1944-46. **File No.** 5660/36.

P.W. DEPARTMENT
El. BRANCH

~~ELECTRICS~~ ~~ELECTRICS~~

Subject:— Electric License

Hubli

Failure of Electric

Supply

Supply of generating

plant to

A IF '46

IV

Part ~~XVII~~

File No. 5660/36

Std. Sectt. Slip 94-B

I send the papers you asked for this morning with the Dept. Electrical Branch: if you want any thing further please let me know.

MM
29/3/45

M(R)

Many thanks.
I have sent back
Kabadwaji files + Retained in Sec file
personal.

29/3
Sec PLN. (1)
Ext Rs

Received
MM.
29/3/45

When would you like to discuss?

31/3/45

Might now be desirable.

6/4/45 JC

for Mr CW

accdly.

7/4/45

714

V dated the 24-4-45.

Hubli Electric Co.'s Suit Dismissed

GOVT. ORDER UPHELD

A suit which was an offshoot of another suit in which Mr. Justice Blagden had held that the action of the Province of Bombay in revoking the license of the Hubli Electricity Co. Ltd., was proper, was dismissed with costs by Mr. Justice Blagden at the Bombay High Court. After the plaintiff company's license was revoked, the Government appointed Mr. N. C. Raghavan as Controller of the Company's undertaking. Thereafter, on April 29, 1944, an order was issued requiring the plaintiffs to sell the undertaking to the Government. The plaintiffs refused to do so or to hand over possession of the undertaking to the Controller or to allow the Government to work the undertaking. On May 3, 1944, the Government passed an order under the Defence of India Rules authorising Mr. Raghavan to exercise effective control on the undertaking and to prohibit the plaintiffs from interfering with or obstructing the Controller, in the discharge of his functions. The plaintiffs submitted that this order was illegal and void and prayed that they should be restored possession of the undertaking.

His Lordship said that the plaintiffs' rights and liabilities having ceased and been determined by the revocation of the license, the Government were justified in acting as they did in order to do all such acts authorised by the Defence of India Rules to make the control effective. The supply of electricity was essential for the efficient prosecutions of modern warfare and, having regard to the fact that Hubli was without electricity for three nights on 1st, 2nd and 3rd May, Government were justified in issuing their order of May 3, 1944. His Lordship, therefore, dismissed the suit with costs.

Mr. H. D. Banaji, with Mr. M. P. Amin, instructed by Messrs. Joshi & Co., appeared for the plaintiffs.

Mr. M. L. Manecksha, with Mr. D. E. Billimoria, instructed by Messrs. Little & Co., appeared for the defendant.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
ORDINARY ORIGINAL CIVIL JURISDICTION.
Suit No. 610 of 1944.

The Hubli Electricity Co. Ltd. ---- ------ . . Plaintiffs.

The Province of Bombay. ---------- Defendants.

To,
Messrs. Little Co.
Attorneys for the defendant abovenamed.

Dear Sirs,

Please Take Notice that your client, the defendant abovenamed is hereby required to produce and show to the Hon'ble Court at the trial of this suit and from day to day thereafter until the same is heard and finally disposed off all books, papers, ledgers, copies of letters, vouchers, documents, receipts, memorandums, books of account, inventories and other papers, writings and documents belonging to the plaintiff Company relating to the matters in question in this suit but now in the possession, custody or power of your client the defendant and or its Agent or any other person on its behalf and more particularly cash-books, ledgers and journals and also vouchers and also correspondence files belonging to the plaintiff Company for the years 1941-42, 1942-43 &1943-44 including all the documents disclosed by your client in its Affidavit of documents herein.

Dated this 9th day of November 1944.

Yours truly,

Sd/- Joshi & Co.
Plaintiffs' Attorneys.

MBV.

LITTLE & Co
SOLICITORS & NOTARIES PUBLIC.
PARTNERS:
A.P. LILLIE.
C.H. MARTIN.
H.M. INGLEDEW.
FRAMJI S. MEHTA.
CODE { A.B.C. 5TH & 6TH / BENTLEY'S / LIEBER'S
TELEGRAMS "LEGAL" BOMBAY
TELEPHONE No 25082
(TWO LINES)

CENTRAL BANK BUILDING,
ESPLANADE ROAD,
BOMBAY.

11th November 1944.

No L/NV/6034

The Secretary to the Government of Bombay,
P. W. D.,
Bombay.

Sir,

Suit No.610 of 1944.
The Hubli Electricity Co. Ltd.
vs.
The Province of Bombay.

P1

We have the honour to enclose a copy of the "Notice to produce documents", served on us by the Plaintiffs' Attorneys herein, for your information and record.

The Deputy Controller in charge of the undertaking may please be requested to bring with him the necessary papers and documents when he comes to Bombay for the purpose of attending the hearing of the above suit. In this respect we may mention that if the records are cumbrous and unwieldy, he need only bring the papers relating to the years 1941-44, and the documents disclosed by the Defendant in its affidavit of documents herein.

Your obedient servants,

Little & Co.
Solicitors to the Government of Bombay.

Encl:
C.

5660/36
31241

CENTRAL BANK BUILDING
ESPLANADE ROAD
BOMBAY

El. Bv. P.W.D.

Submitted:

2. This may be refd u.o. to the El. Engr. to enable with a request to issue necessary instructions to Mr Raghavan, Dy Engr in charge of the undertaking in consultation with the Solicitors to enable us to regulate the date on which Mr R. should be present.

ELECTRICAL ENGINEER TO GOVERNMENT
Inward No. 590.
5 APR 1945

11/11/44

O.M. No. 15/11 CE 11-11-44

V. Urgent

U.O. to El. Engr. & the 13th Nov

Copy of Notice

PUBLIC WORKS DEPARTMENT
File No. 5660/36
11. NOV. 1944
Serial No. 31241

13 NOV 1944

El B. 11-11

IN THE HIGH COURT OF JUDICATURE AT BOMBAY.

ORDINARY ORIGINAL CIVIL JURISDICTION.

Suit No. 610 of 1944.

The Hubli Electricity Co., Ltd. ---- ------ Plaintiffs.

The Province of Bombay. ---------- Defendants.

To,

Messrs. Little Co.,
Attorneys for the defendant abovenamed.

Dear Sirs,

Please Take Notice that your client, the defendant abovenamed is hereby required to produce and show to the Hon'ble Court at the trial of this suit and from day to day thereafter until the same is heard and finally disposed off all books, papers, letters, copies of letters, vouchers, documents, receipts, memorandums, books of account, inventories and other papers, writings and documents belonging to the plaintiff Company relating to the matters in question in this suit but now in the possession, custody or power of your client, the defendant and or its Agent or any other person on its behalf and more particularly cash-books, ledgers and journals and also vouchers and also Correspondence files belonging to the plaintiff Company for the years 1941-42, 1942-43 &1943-44 including all the documents disclosed by your client in its Affidavit of documents herein.

Dated this 9th day of November, 1944.

Yours truly,

Sd/- Joshi & Co.

Plaintiffs' Attorneys

MBV.

Below U.O.R.No.5660/36/31241 dated the 13th November 1944, from Government in the Public Works Department.

No. 310 of 1945.

Bombay, 17th April 1945.

Returned, with compliments.

2. The papers may be recorded.

Electrical Engineer to Govt.

P.

5660/36
12654

3l. Br.

O.W.D.

Submitted for information.

Record.

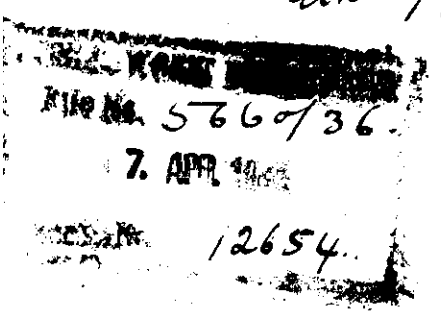
O.R.D.
21-4-45.

GH
24-4-45

To 17/4

17/4

GHB 17/4.



P.W.D. Secretariat.

20.3.45.

Dear Cullis,

I enclose copy of the G.E's notes of Oct 15.1943.

The Kapuwanji file is with the Solicitor in Court for reference & will be sent to you.

Yours Sincerely

T. Vijayaratnam

Below U.O.R.No.6646/36, dated the 14th October 1943, from Government in the Public Works Department.

.....

No.LRM.31/3283 of 1943.

Bombay, 15th October 1943

Returned, with compliments, with the following remarks on the points raised by A.R.

(i) The specimen of license given to elec. companies is attached herewith.

(ii) The instance of Hubli Electricity Co.where the licensee has grievously failed to meet his obligations to the public in his area of supply may be cited.

(iii) Replies to 'Govt. of India' Labour Deptt. Confidential letters MBI dated 18th August and 9th October 1943 respectively are forwarded separately.

(iv) There is no permanent Advisory Board under Sec.35 of the I.E.Act, but such Advisory Boards are appointed by Govt whenever the question of reduction in the rates of licenses arises. Please refer to the note on Advisory Board in Annexure to Govt. of India's letter dated October 9th.

(v) Please refer to the note on item 3 of the Agenda below.

(vi) No separate major schemes of expansion independent of Grid System have been contemplated, but the Grid's Scheme itself includes installation of big Centra thermal stations and the hydro elec.statio at Bhandardara.

As regards the policy considered in the past with regard to the granting of electric licenses, copies of the Govt. Press notes are enclosed and the same will give an idea of decisions arrived at by Govt. with regard to the conditions to be imposed on the licensees for protecting th interests of elec.consumers. These conditions have been incorporated in the licenses granted from the year 1940 onwards and are applicable only to a very few licenses. It would be advisable to make these condition applicable to old licenses also, but it appears that on account of legal difficulties, Govt. are not in a position to do so It is considered advisable that Govt. shou have power to amend even old licenses suitably where such amendments are considered necessary in the interest of the public an this question may be raised while discussi item 2 of the Agenda.

The following short note is submitted on the Agenda of meeting of the Policy Committee:

1. Almost all the important towns in the province are electrified. So far, 75 licenses have been granted, of which 68 are operating now, and 7 will operate after the war. These licenses have been granted to 45 different Companies and individuals, of which 10 Cos. are operating 39 licenses and the remaining 36 licenses are being operated by 36 different Companies and individuals. The total capital invested in the elec. undertakings in the Province is nearly Rs.27,15,00,000/- and the total plant capacity installed in the Province is approximately 290,000 K.W. Most of the licensees use diesel engines for generation of electricity, and on account of the small area of supply and insufficient number of consumers, are not in a position to supply electricity at very low rates to their consumers, and neither are they in a position to extend their lines outside the towns and make power available for rural electrification. The result is that the rates for consumers in different towns vary considerably, depending on the cost of generation at the places. In order to make electricity available throughout the Province more or less at a uniform rate, and also to provide elec. for rural development, a proposal has been submitted to Government for installing Grid System, by which not only will all the electrified towns be interconnected but the transmission lines will be made to pass through rural areas, where it will be possible to tap off electricity at any convenient place, as and when occasion arises, with very little cost. The Grid System contemplates closing down of small uneconomic diesel stations and providing big central thermal stations and also hydro-electric station, wherever possible, for the supply of electric power. The cost of the Grid Scheme was estimated at Rs.2,60,00,000/- approximately at pre-war price.

2. (a) The practice followed so far in the Province has been to grant licenses for different towns to local persons whefever possible, or to competent private companies who have sufficient experience in the line. This practice has worked quite successfully in the Province so far, and not only are all the important towns in the Province provided with electricity, but the licensees, with the solitary exception of the Hubli Electricity Co.Ltd. have made serious and, to a great extent successful efforts to popularise electricity and increase the number of consumers. Government are seriously considering the question of revocation of the license granted to the Hubli Electricity Co.Ltd. ~~thereby the~~ -

(b) Now that the most important work of installation of plant and canvassing of load by securing sufficient number of consumers has already been done, it would be possible for Government to take over the concerns and manage them, eliminating thereby the element of profit and supplying cheaper power to the public. The question of compulsory purchase according to the Indian Electricity Act, will, however, have to be carefully considered,

before such step is taken.. In any case Govt. now proposes to install Grid Syste in the Province, to which the generating stations of the licensees will be tied down, it will be advisable to have sufficient control over the regional licensees who may be permitted to continue the work of distribution of electricity in their own areas of supply on such basis as will be in the interest of the consuming publi

3. There are already sufficient number o Electrical Engineers in the Province who have received both theoretical and practical training in the United Kingdom. It does not, therefore, appear necessary to send Engineers for special training in the United Kingdom, or other industrialised countries. More and more technical persons are taking interest in electricity and the number of qualified Electrical Engineers with foreign qualifications and experience is already increasing.

Sd. S. G. Nadkarni.

Electrical Engineer to Govt.

Below U.O.R.dated the 15th October 1943 from Government in the Public Works Department.

No.LRM 31/3221 of 1943.
Bombay,15th October 1943.

Returned, with compliments, with the following remarks:-

While itis true that all the natural sources of power which can produce electricity on large scale have not yet been harnessed in this Province, chiefly on account of financial considerations almost all the important towns are now electrified and excepting the solitary instance of Hubli, where the licensee has grievously failed to meet his responsibilities to the consumers strenuous and to a large extent successful efforts have been made by the licensees to popularise the use of electricity and increase their load as much as possible. Thus even though the licensees' efforts were purely directed by selfish motives, they were nevertheless conducive to the rapid development of electricity in their area of supply, and had it not been for the difficulties created by war, the expansion of electricity in the Province would have been considerable.

As regards the criticisms made in Annexure "A", the following remarks are made:-

Criticisms Relating to private enterprise:

(1) Security of Tenure:- The interest of a private licensee in his works and growth of his concern definitely depends on Security of Tenure. For his own selfish aims he has to popularise electricity in his area of supply and secure as many consumers as possible. For the first few years, alicensee has to work under great handicaps and suffer financial loss and it is only when after several years he succeeds in getting sufficient consumers connected that he begins to make profit.

A licensee's position under the Act is rather anomalous, since according to Clause VI of the Schedule to the I.E.Act, he is ander obligation to comply with every requisition he receives from his consumers within one month and thus in theory has to be in readiness to give unlimited supply to all his prospective consumers. On the other hand if the licensee provides additional plant to cover the prospective load of new consumer and does not secure the anticipated load, he exposes himself to the charge of having provided excessive machinery, the cost of which must necessarily be a burden to the consumers.

For smooth working of the electric licenses granted to private persons, the following conditions appear to be neces sary:

P.T.

(a) The period of concession to a licensee should be sufficiently long to induce him to take real interest in his works and secure ~~deve~~ maximum development.

(b) The Govt. should insist on licensees providing sufficient plant to give continuous, steady and regular supply of electricity to the consumers and at the same time restrict the maximum size of his plant so that the capital cost would not nnnecessarily be increased.

(c) The Govt. should insist on the minimum qualifications and remuneration of the staff employed by the licensee for managing his works.

(d) The Govt. should fix the rates of depreciation of works, fair return to licensee on investment, deposits to be demanded from the consumers and reduction in tariff to consumers on account of increased profit to licensee.

2. ADVISORY BOARDS: If members of the Advisory Board are suitably selected, there is no reason why the question of reduction in rates cannot be fairly and impartially considered. In this Province the Advisory Board consisted of:

Dewan Bahadur K.M.Jhaveri, M.A.LL.B., J.P.
Chairman.

Members:- V.N.Vartak, Esqr., I.S.E.(Retired)
Sir A.G.Gray, Kt., J.P.
B.A.Khimji, Esqr., M.L.A.
The Examiner Outside Audit, Bombay
R.G.Higham, Esqr., M.I.E.E., J.P.,
Elec.Engr.to Govt., Member & Secy.

and it would be seen that none of the above members could be considered as of insufficient calibre to deal with the subject. If sufficient care is taken by the Provincial Government in selecting persons of best calibre to work on the Advisory Board, the question of appeal against their opinion should not arise, since their opinion must necessarily be formed after very careful consideration. In any case the duty of the Advisory Board is only advisory and it is open to Govt. to modify any suggestion made to them by the Board.

3. Ability and resources of the smaller licensees:- The practice followed in this Province is to grant wherever possible the license for an area to a local man so long as he satisfies Govt. that he has the necessary financial resources for working the scheme in the interest of the Public. If Govt. grants licensees only to certain persons or companies, just because they have previous experience in the line and are actually managing similar concerns successfully at other places, there would be serious agitation from the public against an outsider and Govt. would be openly accused of giving preferential treatment to certain persons only.

4. Discouragement of reputable private enterprise: There is no discouragement of reputable private enterprise in this Province. Reputable persons with adequate resources and knowledge are always anxious to take licenses whether new or old as long as they have reasonable prospects of working it with advantage.

5. Managing Agents:- The system of Managing Agency requires very careful consideration and the terms of the Managing Agency should always be subject to the approval by Govt., who should take sufficient care to see that the Agents do not receive more remuneration than they deserve.

B. Criticisms relating to State Ownership:-

6. Provincial or State Govt. owned elec. utilities (a,b,c & h): Incentive to progress in State-owned Industries would always be less than in a private concern on account of lack of selfish motives. The draw-backs pointed out, however, can be removed by making the Department semi autonomous.

(d) Once a line of action is determined and Govt. has taken upon itself the duties and obligations of a licensee, political changes in higher administration should not affect the public, who will always have the rights of a consumer.

(e) The principle of promoting men by seniority is followed almost universally and in concerns where it is not followed, there is invariably discontentment in the staff.

(f) There are more incidents in private firms where deserving persons are kept down in spite of their abilities and there is more scope in such companies for partiality, communalism etc. than in Govt. service.

(g) If sufficient latitude is given to the Department, there is no reason why it should not succeed in securing the progressive and healthy growth of the undertaking.

7 (a) General Criticisms: Transition between public and private Ownership: No such difficulty has yet been experienced in this Province. The immediate case would be that of the Bombay Elec. Supply & Tramways Co., whose date of compulsory purchase falls on the 7th June 1947. It is believed that the concern will be taken over by the Bombay Municipality when the time comes.

(8) Regional Development: No such case has happened in this Province.

(9) Co-ordination with Regional Mach

(9) Co-ordination with Regional Needs: It is true that on account of electrification of towns being carried out in isolated units the cost of generation of electricity by Diesel Engines has not been very low, with the result that the licensees have not been able to give power to their consumers at very low rates and neither have they been able to extend their supply to the rural areas outside the towns. There is already a proposal to instal 'Grid System' in this matter. According to this system small uneconomical generating stations would be closed down and big central thermal and hydro electric stations would be utilised for supplying power to the Grid, the transmission lines of which would not only interconnect big towns but also pass through rural areas and supply power for agricultural purposes at low rates.

(10) Educational Propaganda: The growth of elec. within the last seven years has been so rapid that there is hardly any need for Educational Propaganda now. The present war has already made the greatest propaganda in favour of electricity and the public in general are anxiously waiting to be permitted to use elec. in their premises.

(11) The Taxation of Electricity: The taxation of electricity in this Province has been carried out so imperceptibly that the consumers have not been made to bear any additional burden on account of such taxation. What the Govt. has done in fact is only to prevent the consumers from being benefited by the reduction in rates of the licensees. The taxation of electricity, however, has limited scope and care must be taken not to increase this tax to such an extent that it would have restrictive effect on the growth of electrical industry.

Sd/- S.G.Nadkarni.

Electrical Engineer to Govt.

H

23

Below U.O.R. dated 13th October 1943 from Government in the Public Works Department, Bombay.

No.LRM 31/3222 of 1943.

Bombay, 15th October 1943.

Returned with compliments.

(a) The necessary statement is attached herewith.

(b) Almost all the important towns in the Province are electrified. It is not possible to electrify rural areas separately and independently as such scheme would be very expensive and electricity cannot be made available at low rates. It is, therefore, proposed to have a 'Grid System' in the Province which will link up suitably all the generating stations by means of transmission lines, which will be made to pass through the rural areas. The advantages of this system would be —

(1) The possibility to undertake the distribution of electricity on broader basis on some sort of uniform rate; and

(2) Facility to promote rural electrification as and when occasion arises.

The "Grid System" can be taken up as post-war reconstruction scheme and approximate requirements of the materials are as per two lists attached.

The estimate of the total scheme inclusive of the cost of new generating stations and interconnecting transmission lines was estimated at Rs.2,60,00,000 approximately, but the actual cost will now depend on the cost of materials in post-war days when the scheme is taken in hand.

Sd/- S. G. Nadkarni.
Electrical Engineer to Govt.

H

(1) Kapadwanj Electric license was granted in 1933. It was revoked from 3rd July 1941 as the supply had been irregular. ~~[illegible]~~ — vide G.R. no 4743/36, of the 3-4-41. — Pp 135-137 of file no 4743/36 I.

(2) Karwar II license was granted in 1940 and it was revoked with effect from the 14th Aug 1941 as he failed to commence the works within the prescribed time. The supply was not started in this case. — vide G.R. no 2137/36, of the 5-8-41 on Pp 79-81 of File 2137/36/II.

(3) Talegaon II. license was granted in July 1937 & it was revoked from 20th Dec 1938 as the licensee failed to commence the works within the prescribed time. The supply was not started in this case also — vide G.R no 244/36, of the 20-12-38 on Pp 255-259 of file no 244/36.

(4) Ratnagiri Electric Licence was granted in 1936 & it was revoked with effect from the 12th June 1939 as no progress was made in the execution of works within the prescribed time — Vide G.R. no 9937/27 & the 12-6-39 on pgs 337-341 of file no 9937/27. No supply was commenced in this case also.

(5) Malwan Electric Licence was granted in 1935 & it was revoked with effect from the 30.3.37 as the licensee failed to furnish the security within the prescribed period — Vide G.R. no 8744/27, of 30-3-37 on pgs 203-205 of file no 8744/27. No supply was commenced in this case also.

24/3/45

Herewith a note in connection with the points raised this morning. It will be seen that five licences have been revoked in addition to Akola namely:—

(1) Rajapur
(2) Karwar
(3) Talegaon
(4) Ratnagiri
(5) Malwan

Secy (P)

of these only re, Kapadnagi, had actually been conducted. The papers concerning this case are therefore submitted for perusal.

2. File No 6646/36-1 contains all the notes concerning the Policy Committee of 1943, including several by Acharya & one by Vadkarni

3. I asked the Ed. Engr to G. to see A(R) on Saturday morning at 10.30 AM.

4. The papers re the revocation of the Stable Decision at present in the court, & as asked the Office to get them as soon as they can and submit them, they should be available when the Court resumes hearing, but I will probably have to return them to the Solicitors by 10. AM. on Monday.

M.N.
29/3/45.

A(R)

My evidence was after all not required.
I accordingly return the papers.

3/4/45

M.N.
4/4/45

C.I (R)
4/4

Mr. C.F.S. COLLINS.

I am an M.A. (Oxford) I.C.S., C.S.I., C.I.E., O.B.E. J.P. I am at present the Adviser to H.E. the Governor of Bombay.

Though I have no practical mechanical experience concerning electrical undertakings, I have a large experience especially since I was appointed Adviser to H.E. the Governor of Bombay in investigating into the general management and running of electrical undertakings.

~~Myxxxxxxxxxxxxxxxxxxxxxxxxxxxxx~~ For about 6 months from the beginning of November 1935 to the beginning of May 1936 ~~1936~~ respectively I was the Collector of Dharwar. Whilst I was in office I received several complaints from individual consumers as well as the Municipality of Hubli in respect of the interrupted supply of electricity, by the said Company.

As it is nearly 10 years now since these incidents, I cannot recall any details, but I do remember clearly that the Hubli Municipality's complaints were principally in respect of failure of supply to the Municipality's street lights in Hubli. I also clearly remember that the Municipality's ~~charge~~ complaint against the Hubli Supply Co. was that they were committing breaches of the contract between ~~themselves~~ Municipality and the Company. However, due to several other preoccupations I do not remember having taken any action in response to these complaints.

When I left Dharwar in 1936 I had clearly formed the impression that the said Electric Supply Co. were inefficient and the conditions of supply were unsatisfactory.

Sometime in the end of 1943 the ~~xxxxxxx~~ whole case of the Hubli Electric Supply were placed before me and I remember having had many discussions on the various aspects of the said Supply Co.'s case with Mr. Hammett, the Secretary to Government, P.W.D. and Mr. Higham, ~~as~~ the Electrical Engineer to Government.

At one of these discussions the draft order of revocation of the Hubli Electric License was placed before me and after considering all the facts of the case as they appeared from Government files, I approved of the said order being fully satisfied that the said Hubli Electric Supply Co. had committed wilful and unreasonably prolonged default in doing ~~xxxxxxxx~~ what was required of them under the Indian Electricity Act viz. failure to give regular and continuous supply and further that the Company had also failed to comply with the conditions laid down in Government's letter of the 3rd April 1943. The said order was subsequently signed and issued by Mr. Hammett the Secretary to Government with my full approval and consent.

I may also state that out of about 67 to 70 electric supply concerns in the Province of Bombay though there have undoubtly been occasional irregularities and failures, Government has always been extremely lenient with these Companies considering the fact theat they are for the greater part small concerns with very limited capitals. As far as I know this is the first time when conditions have proved so gross that Government has been forced to take drastic action. Even in when I attended the Electrical Conference at Delhi I mentioned the fact that apart from one glaring instance (whereby I meant the Hubli Electric Supply Co.) most of the other companies considering everything were functioning very satisfactorily and that on the whole conditions of the supply of electrical energy in the Province were gratifying.

Mr. G.F.S.Collins.

I am an M.A. (Oxford) I.C.S., C.S.I., C.I.E., O.B.E., J.P. and have been an Adviser to H.E. the Governor of Bombay since January 1942. I took over the portfolio of Revenue Adviser, which includes P.W.D. and Electricity, from 24th May 1943. At that time the notice of April 1943 had already been issued to the Company.

I was Collector of Dharwar for about six months from early November 1935 to the end of April 1936. During that time I received several complaints from the Hubli Municipality and individual concerns in respect of the supply of electricity by the Hubli Company. As nearly 10 years have elapsed since that time, I do not remember the details clearly, but I remember that the Municipality's complaints were principally in respect of street lighting and that the Company was committing breaches of contract with the Municipality. I do not recollect taking any specific action, but formed the impression that the Company was generally inefficient.

After I took over the Revenue portfolio as Adviser, Electricity affairs engaged my special attention in regard to a post-war conference on electricity which was held at Delhi on October 25th 1943. One of the items on the agenda was the general position in each Province in respect of electricity. Notes were called for from the Department. These showed that 67 Electricity Companies were functioning at the time and that they were giving good or fair service with the exception of one Company (Hubli). I made a statement to this effect at the Conference.

Before it was decided to revoke the licence, I had a discussion with the Electrical Engineer, Mr. Higham, and the Dy. Secy., Mr. Khle, and in particular on the point whether the notice of April 1943 had been complied with both in the spirit and the letter.

Thereafter I had frequent discussions with those officers as to the steps which would be involved in taking over

after revocation of the licence/as to ensure that there would be no interruption of supply in the meantime. It was decided between us that, with a view to ensuring such continuous supply and allowing for time to consult the Municipality, which under the Act has an option to take over the concern, and other possible companies which might take it over, May 1st would be a suitable date to give effect to the revocation. In the meantime, the notice of suit was received, and it was decided that the best course/would be for Government to take over the concern in the meantime. During all these discussions it was assumed that there could be no question of reconsidering the decision to revoke the licence.

I may add that, recognising the difficulties under which small companies operate, it has been the policy of Government to show the utmost leniency towards their defects, and only to act in the event of gross negligence. Apart from the present instance, and omitting cases where licenses had to be revoked, because the companies were unable to come into operation, there has been only one instance of such revocation. That was because, in addition to gross inefficiency, the concern was in fact bankrupt.

33. 3-iv-1[illegible]

Dear Mr. Dendoe,

Kindly convey to Mr. Collins, my apologies for causing him so much trouble and inconvenience. I am afraid however it was unavoidable.

After mentioning the last of our intention to put Mr. Collins in the 'box', to this Lordship, we gather that his presence will not be necessary.

In the circumstances kindly inform Mr. Collins that his presence is not necessary, and he may therefore leave his office at his convenience.

Please also convey to Mr. Collins, that I am extremely sorry to hear he is indisposed and trust he will be well soon.

Yours truly,

[illegible]

35

The attached note received ~~for~~ from the Solicitors Government is submitted for approval and correction necessary. The Solicitors desire one corrected copy to be given to them early on Monday morning.

Id. R.H.H.
31-3-1945.

For Messrs Little and Company.

I have been through the files and now clearly recollect all the circumstances of the case. I have re-written the note of evidence on these lines and enclose a copy for Messrs Little and Company. I have retained one copy for myself.

Id. G.C.
31-3-45.

Issued. Sent by hand to Sec. P. WD(I) on 31/3

Sec.P. W.D.(I.)

This can now be filed in lieu of the attached.
P.W. 3/4

Record. 24/4/45

Ed 31/3/45 ER 5/IV/45

O R D E R.

Public Works Department;
Bombay Castle; 3rd May 1944.

No.5660/36.- Whereas by Government Order, Public Works Department No.5660/36, dated the 29th April 1944 Government was pleased to intimate to the Hubli Electricity Company, Limited, Hubli, under clause (d) read with clause (g) of section 5 of the Indian Electricity Act, 1910 (IX of 1910) that it had elected to purchase the undertaking of the said Company and to require the said Company to sell the undertaking to the Government and to hand over possession of the same to Mr.Nidamangalam Chakrapani Raghavan, Deputy Engineer, on the 1st May 1944;

And Whereas the said Company has failed to comply with the said Order pending the settlement of the price and completion of the purchase;

And Whereas the determination of the price as provided in clause (b) of section 5 of the Indian Electricity Act, 1910 (IX of 1910) and the completion of the purchase of the said --- undertaking would take time;

And Whereas it appears to the Government of Bombay that in the interests of the efficient prosecution of the war and for maintaining supplies and services essential to the life of the community, it is necessary to exercise control over the whole of the said undertaking pending completion of the purchase of the said undertaking;

Now, Therefore, in exercise of the powers conferred by sub-rule (3) of rule 81 of the Defence of India Rules, the Governmen of Bombay is pleased -

(i) to authorise Mr.Nidamangalam Chakrapani Raghavan, Deputy Engineer, to exercise, such effective control as to keep the said undertaking in efficient working order consistent with the provisions of the Indian Electricity Act, 1910; and

(ii) to prohibit the Hubli Electricity Company, Limited, Hubli, from interfering with or obstructing the said Mr.Nidamangalam Chakrapani Raghavan, Deputy Engineer, in the discharge of his functions under clause (i).

By order of the Governor of Bombay,

Secretary to Government.

VR.3/5.

Hubli Electric Undertaking.-
Sanction to the rates for supply of electrical energy, Miscellaneous charges and Conditions for the grant of discount in connection with the.----

GOVERNMENT OF BOMBAY.
Public Works Department.
Resolution No.5660/36.
Bombay Castle, 23rd October 1944.

RESOLUTION OF GOVERNMENT.

The rates, printed as accompaniments to this Government Resolution, for the supply of electrical energy, miscellaneous charges, and conditions for the grant of discount in connection with the Hubli Electric Supply Undertaking, now under the control of Government, are sanctioned.

By order of the Governor of Bombay

G.N.PANDIT,
Deputy Secretary to Government.

P.T.O.

G.R.,No.5660/36, P.W.D., dated the 22nd October 1944.

To

The Finance Department,
The Commissioner, Southern Division,
The Collector of Dharwar,
The Superintending Engineer, Southern Circle,
The Electrical Engineer to Government,
The Executive Engineer, Electrical Division,
The Executive Engineer, Dharwar Division,
The Remembrancer of Legal Affairs,
The Accountant General, Bombay.

No. of 1944.

Copy forwarded for information and guidance to

VR. 21/10/44.

Accompaniments to Government Resolution, Public Works Department, No. 5660/36 dated the 22nd October 1944.

THE HUBLI ELECTRIC UNDERTAKING.

ELECTRIC SUPPLY TARIFF.

For General Purposes:-

(a) Lighting and Fans:- 8 annas per unit. A monthly discount of Re.1/9/- per-cent (or a quarter anna per Rupee), subject to a minimum discount of As.2/- per month and other conditions detailed in the annexed schedule for prompt payment of bills.

(b) Domestic Heating, Cooking and Refrigeration:- 4 annas per unit. No discount.

(c) Radios and Battery Charging:- 4 annas per unit. No discount.

N.B.- If there is no special circuit for supply of energy for purposes (b) and (c), the rate shall be as for (a) i.e. lights and fans.

The above rates in (a), (b) and (c) are subject to a monthly minimum charge, exclusive of meter hire, as under:-

Upto 300 watts connected load - Rs.3/- (Three);
For every additional 100 watts connected load - Re.1/- (One).

(d) Special rate for Cinematographs and Theatres - by special agreement.

For Motive Power Purposes:-

(a) Domestic Pumps:- Upto and including 3 B.H.P. per pump- Special rate - A standing charge of Rs.3/- per month plus annas two and pies nine per unit consumed. No discount.

(b) Industrial and Agricultural and pther purposes pumps:- Upto and including 5 B.H.P. per pump - A standing charge of Rs.3/- per month per B.H.P. or part of a B.H.P. connected plus annas two and pies nine per unit consumed. No discount.

(c) Industrial Motive Power Installations: (i) Upto and including 5 B.H.P.- A standing charge of Rs.3/- per month per B.H.P. or part of a B.H.P. connected plus annas two and pies nine per unit consumed. No discount. (ii) Above 5 B.H.P.- A standing charge of Rs.2/- per month per B.H.P. or part of a B.H.P. connected plus annas two and pies six per unit consumed. No discount.

Meter Rent:- 8 Annas per month per single phase A.C. meter.
1 Rupee per month per poly-phase A.C. meter.

General:- Consumers for supply of energy will be responsible for any electrical energy consumed on their premises until.....

until notice, in writing is received from them requiring the supply to be disconnected, notwithstanding that they may in the meantime have ceased to occupy such premises, unless payment for the energy consumed on the premises has been received from a subsequent occupier thereof.

Applicants may be required to make a reasonable deposit in cash or Government Securities in respect of electrical energy or of service lines laid. Interest will be paid thereon at a rate equal to the Post Office Savings Bank rate in force from time to time.

Government do not undertake to supply power for motive power purposes at present on account of the deteriorated condition of the plant.

VR.21/10/44.

SCHEDULE (2).

Service and Miscellaneous Charges.

.....

Charges for service line.- One hundred feet of service line from the distributing main, but not on the property for which a requisition for the supply of energy is received, shall be laid free of charge. The charges for the rest of the service line shall be recovered at the actual cost of the materials an labour plus fifteen per centum on labour to cover supervision charges.

Miscellaneous Charges.

	Rs.	a.	p.	
1. Connection fee -				
(a) Connection fee for every new installation to the supply mains, including the fixing of meters.	6	0	0	
(b) If two or more new connections are simultaneously made from the same service, the fee for each additional connection after the first shall be	3	0	0	
2. Reconnection fee for an installation which is disconnected on account of -				
Vacation of premises or non-payment of accounts or infringement of the conditions of supply	2	0	0	
Note.- If owing to the staff of the undertaking being unable to obtain access to the meter, the disconnection has to be made from the mains, either underground or overhead, the consumer shall have to pay all the costs incidental to such disconnection and reconnection.				
3. Meters.-				
(a) Hire of a single phase A.C. meter per mensem.	0	8	0	per meter
Hire of a poly-phase A.C. meter per monsem.	1	0	0	"
(b) Changing meter for one of a different size when necessitated by a change in the consumer's demand.	2	0	0	
(c) Changing the position of the meter board only and when no alteration in service is required, the necessary alteration in the consumer's wiring being carried out by a licensed electrical contractor.	3	0	0	
(d) Charges for attendance of a fuseman.	1	0	0	

(c)....

(e) Charge for the supply and fixing of an additional meter board. 3 0 0

(f) Charges for attendance of fuseman at consumer's premises during any function per night. 3 0 0

4. Testing -

(a) Installations.- The test and inspection prior to connection of a new installation will be carried out free of charge, but should any further test and/or inspection be found necessary owing to any fault in the installation or to non-compliance with the conditions of supply the charge for each additional test shall be 5 0 0

(b) Testing of meters under Section 26 of the Indian Electricity Act, 1910.- In the case of a disputed meter no charge will be made for testing should the meter prove to be outside the limits of error allowed under rule 32 of the Indian Electricity Rules, 1937, otherwise the charge for testing will be 3 0 0

(c) The testing and calibrating of meters, which are the property of the consumer, are undertaken on payment of a charge of ... 3 0 0

Note.- No responsibility whatsoever for the satisfactory and correct running of the consumer's meter after the owner has taken delivery thereof subsequent to the test, will be accepted.

5. Failure of supply.- For restoring connection in cases in which the failure of supply is due to any cause other than a fault in the apparatus belonging to the undertaking 1 0 0

6. Security deposits against payment of monthly bills.- When required the consumer shall deposit security as under -

(1) for lights and fans and all other purposes except motive power, per 0.5 K.W. applied for 5 0 0

(2) for motive power per B.H.P. installed 10 0 0

.....

VR. 21/10/44.

Schedule.- Conditions for the grant of discount.

(i) Consumers should use a metered supply and should not be under a special contract;

(ii) The payment should be received within seven days of the date stamped on the bill irrespective of the facts whether or not -

(a) the bill has been received in time;
(b) the bill has been disputed; and
(c) an amount to cover charges for consumption of electrical energy has been deposited.

(It is incumbent on consumers to make an inquiry regarding their bills if not received by the usual time and obtain a duplicate copy thereof if the original is lost.)

(iii) If the payment is made by cheque, it should be made in time for the realisation of the amount within the period prescribed in (ii) above and in the case of a cheque on a non-local bank it should cover collection charges;

(iv) There should be no arrears in respect of electric charges or other dues;

(v) The discount will be calculated on whole rupees, a fraction of a rupee being ignored;

(vi).....

(vi) The discount will, in no circumstances, be paid in cash but a credit therefor will be given in the bill for the succeeding month;

(vii) A consumer who discontinues to take supply will not be given a discount on the amount billed for the last month of supply;

N.B.- The right to vary the conditions and the rate of the discount and to withdraw it without notice is reserved by Government.

VR; 21/10/44.

No.IFI.11/ 3032 of 1944. 47

P.W.D.Offices, Churchgate St., Fort, Bombay, 19th October 1944.

To

The Secretary to Government,
Public Works Department, Bombay.

Re:- Hubli Electric Undertaking-
Recovery of charges for electric supply.

It is reported by Mr. Rajadhyaksha, Deputy Engineer, I/C. Hubli Electric Undertaking, Hubli, that certain consumers residing in the chawls known as staff quarters which are in possession of the Hubli Electricity Co.Ltd., have not paid charges for the electric energy consumed by them. Similarly the Hubli Electricity Co.Ltd., have not also paid the charges for the energy consumed by them for running the motor for the lift installed in the above chawls. It is presumed that the Company have recovered the charges from the above consumers along with the rent of the quarters.

2 As the consumers as well as the Company have been receiving supply direct from the Power House and have each been provided by a separate meter, Government are entitled to recover the charges direct from each consumer, every month, and in case of default, Government would be right in disconnecting the supply after giving the consumer reasonable notice.

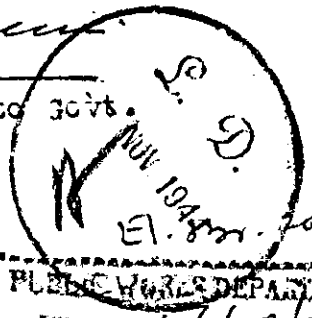
3 It is, therefore, requested that the Solicitors to Government may be consulted on the points raised above, so that necessary action will be taken immediately.

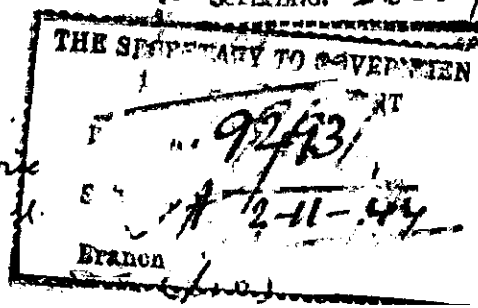
5660/36
28689

4 It may also be ascertained from the Solicitors, if the liability of the consumers to pay for charges borne by them is legally discharged on their paying the charges to the Public Electricity Co.Ltd. as their landlords and in that case if the Company can be held liable for payment of the charges to Government.

5 As the tenants are continually changing, it is requested that early orders may please be issued as otherwise the recovery of the arrears would be impossible.

Electric[illegible] Engineer to Govt.





El. Br.

P. W. D.

Submitted.

2. In accordance with the R.O. No 5660/36 dt the 2nd May 1944 early has been over the control of the Public Sly undertaking & has sanctioned the rates for the supply of electrical energy etc during the control period - Vide R.R. No 5660/36 dt the 23-10-44.

3. The R.E.A. may be requested u.o. to advise on the specific points raised in paras 2 & 4 of the U.O. 12th

engrs letter.

Urgent

21/10/44

with the R.E.A. of the 2nd Nov 31-X-44

Office of the R.L.A.

It is not clear from the letter of the Electrical Engineer to Government at p. 11 ante why the residents in the chawl and the Hubli Electric Company have refused to pay the charges. Nor is the report of Mr. Raghavan, Deputy Engineer, among the papers forwarded to Legal Department for perusal. Unless the facts are fully stated and the relevant papers forwarded to L.D. for perusal it would not be possible for the R.L.A. to express any definite opinion on the points raised by the Electrical Engineer to Government.

R Ramachandra

for Remembrancer of Legal Affairs.

S. U.R. to P.W.D. No. 8155, dated the 21st November 1944.

El. Br.

P.W.D.

These papers may also be refd. u.o. to the El. Engr to ent along with the linked case for furnishing the inform. req.d by the R. & A. overleaf.

12/4/45

15.11.45

U.O.R. to the El. Engr. to Govt. & 17-4-45.

+ Fd. 305-43

(Secret.)

4705
20 JUN
LRm 11

El Br 21/11

PUBLIC WORKS DEPARTMENT
File No. 5660/36
21. NOV. 1944
Serial No. 32291

Copy of letter No.420 dated the 29th September 1944, from the Hubli Electric Supply P.W.D. to the Electrical Engineer to Governmen Re:Defaulters.

==========

I have the honour to enclose herewith a list of consumers in the staff quarters (Chawls) in possession of The Hubli Electricity Co.Ltd., who have not paid energy charges,(it is understood) under instructions from the Hubli Electricity Co.Ltd., who appear to have collected same along with the rent. The Hubli Electricity Co.Ltd.,themselves are also in arrears.

None of these consumers have signed "A" ~~form from~~ (Requisition Forms) and the energy charges have been recovered by the Hubli Electricity Co Ltd.,along with rent from the beginning.

It is for orders whether these consumers are to be disconnected after serving notice, as tenants are continually changing and the arrears may not be recoverable; or whether the Hubli Electricity Co. should be held responsible for the payment of the arrears,as they appear to have collected same along with rent.

==========

Copy of letter No.309,dated the 7th July 1945,from the Hubli Electric Supply , P.W.D. to the Electrical Engineer to Govt., Re: Recovery of charges for electric supply.

==========

With reference to para 1 of your Memo No. 376 dated 20-4-45,I have the honour to state that it appears that the energy charges are included in and are being recovered along with the rent of the quarters by the Hubli Electricity Co.Ltd., This has been the case before Government took over, and the tenants,therefore refuse to pay to us over agin. Energy bills, bearing notices of disconnection if not paid within 7 days, have been served on the tenants for some months prior to October 1944, but the tenants would have nothing to do with us.

The supply to the chawls is being continued as they are all connected in the Power House circuit, which goes round through these chawls, which once formed part of the power house. They have been getting partial supply only.

I suggest that The Hubli Electricity Co. Ltd., should be held responsible for the payment of the charges as they are collecting and have already collected and appropriated the same. Pending recovery of these amounts, the whole chawl areas should be kept disconnected till the matter is decided,as the Hubli Electricity Co.Ltd.,may raise some argument or other, and state that the amount recovered by them, did not include electric charges.

==========

True Copies,

Sd/-

Head Clerk to the
Electrical Engineer to Govt.

53 4 p.17

Below U.O.R.No.5660/36/32291 dated the 17th April 1945, from Government in the Public Works Department.

No. LRM.11/1872 of 1945.

Bombay, 20 July, 1945

Returned, with compliments.

p.15

2. Copies of letters dated 29th September 1944 and 7th July 1945 from Mr. N.C.Raghavan, Deputy Engineer in charge Hubli Electric Undertaking, are enclosed for information of the Remembrancer of Legal Affairs, whose opinion on the suggestion made by Mr.Raghavan in the last para. of his letter dated the 7th July 1945 may please be obtained as early as possible, as the arrears on account of charges for the supply of electric energy have been outstanding from the consumers concerned since long, and on account of frequent changes in the occupants, it is likely to entail loss of revenue. p.15

Electrical Engineer to Govt.

P.

5660/36/23839.

El. Br. (1)

Submitted w. r. t. the R.L.A.'s note, d. the 21-11-44.

2. The R.L.A. may now be requested to advise on the points raised in paras 2 & 4 of the El. Engr. to Govt's letter, d. the 19-10-44, and also on the suggestion made in para 3 of Mr. Raghavan's letter, d. the 7-7-45.

6439
A 31-7-45

El(1) 20/7.

28-7-45.

yes.
28 VIII 45

urgent

U.O. to R. & A. 30-7-45

PUBLIC WORKS DEPARTMENT
DIP No. 5660/36.
20. JUL. 1945
No. 23839.

Under section 23(3)* of the Indian Electricity Act,1910, a consumer is liable to pay for the supply of energy. "Consumer" as defined in section 2(c)@ means any person who is supplied with energy by a licensee or whose premises are for the time being connected for the purposes of a supply of energy with the works of a licensee. The tenants residing in the staff quarters and the Hubli Electricity Company, who have been receiving supply direct from the power house through separate meters would as consumers be each liable to pay charges for the supply of energy and in case of default in payment Government would after giving not less than seven clear days' notice in writing be entitled to discontinue the supply and recover the charges through court (see section 24(1)§ of the Act). The payment of charges by the tenants to the Hubli Electricity Company would not be a valid plea against Government's claim. If however Government is required to file

* P 257 Q Mears's Book

@ P 212 Q Mears's Book

§ P 260 Q Mears's Book

~~to~~ recover charges, it would be desirable to add the Hubli Electricity Company as a co-defendant.

Remembrancer of Legal Affairs.

U.R. to P.W.D., No. 6658 ,dated 12-9-1945.

El.Br.(1) P.W.D. fp.18

Submitted w.r.t. the O.N., d. the 28-7-45.

2. The R.L.A's. opinion overleaf may be shown w.o. to the El.Engr. to Govt. w.r.t. his letter, d.the 19-10-44. pp 11-12

MB. 14/9/45.

✓

w.o. to the Elec.Engr. & Govt. dt 15/9/45

14/9

14/9/45

✓ 17.10

D-S. 2 ✓

w.o to El.Engr.

ELECTRICAL ENGINEER TO GOVERNMENT Inwd. No. 7252 28 SEP 1945 PUBLIC WORKS DEPARTMENT BOMBAY

PUBLIC WORKS DEPARTMENT File No. 5660/36 12 SEP. 1945 Secretariat No. 29857

Copy of letter received from the Hubli Electricity Company Limited, Hubli, dated 25th July 1945, addressed to the Deputy Engineer Hubli Electric Supply, P.W.D. Hubli.

"With reference to your notice of 19th instant, demanding payment of energy bills submitted to this Company, I am directed by the Managing Agents to reply you as under:-

The Company does not recognise your right to render any bills to this Company for energy supplied. Without prejudice to this contention, the company submits that the bills rendered to them are wrong and incorrect in several respects; and these bills also are not presented in the regular method month after month as in the case of other consumers.

Still I am directed to inform you under protest, that you may adjust the amount of such bills month after month against the amounts due from you for the cost of fuel oil, Lubricating oil etc. used by you and belonging to this company and lying in stock on the day you took unlawful custody of the company's undertaking, and also towards the amount of rent collected by you already from the company's tenants, for which the court has ordered you, to account to this company, until the matter is finally settled in the Appeal now pending hearing on 6th August 1945.

True Copy,

Sd/-

Head Clerk to the Electrical Engineer to Govt.,

Below U.O.R.No.5660/36/29857 dated the 15th September 1945, from Government in the Public Works Department.

No. LRM.11/2847 of 1945.

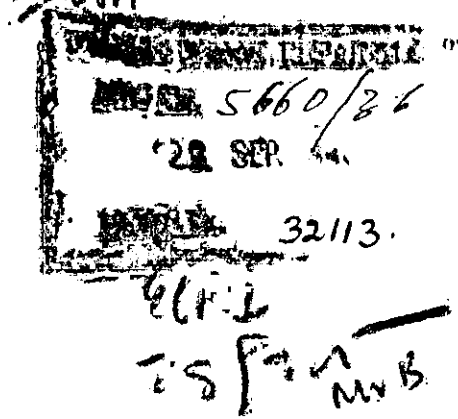
Bombay, 28th September 1945.

Returned, with compliments.

2. The Hubli Electricity Co.Ltd.have since agreed that the charges for the supply of energy consumed by the Company and the chawls be adjusted against the amounts due to the Company for the stores etc. taken over by Government, vide copy of the Company's letter dated the 25th July 1945, attached. In the circumstances, it is not necessary to take any action in the matter. The question of adjustment may be deferred till the final settlement as regards the purchase of the undertaking.

Electrical Engineer to Govt.

P.



5660/36/32113
El.Br.(I).

These papers deal with the recovery of charges for el. supply to the Hubli Ely. Undertaking.

2. In accordance with the G.O.No.5660/36,dated the 3-5-44, Govt. took over the control of the Hubli Ely. Undertaking and sanctioned the rates for the supply of el. energy etc.during the control period -vide G.R.No.5660/36,dated the 23-10-44.

3. In his letter, dated the 19-10-44, the El. Engr.to Govt. reported that certain consumers residing in the Chawls under the possession of the Hubli Ely.Company Ltd., as well as the Co. itself have not paid the charges for the El. Energy consumed by them.

4. The pps. were refd.to the R.L.A. with ref. to the two pts. viz. (1) whether Govt.is entitled to recover the charges direct from each consumer and in case of default, Govt. would be right in disconnecting the supply after giving the consumers requisite notice and (2) whether the liability of the consumers to pay for energy consumed by them is legally discharged on their paying the charges to the Hubli Ely.Co.Ltd., as their land-lords and in that case whether the Co. can be held liable for payment of the charges to Govt. The R.L.A's opinion on pp.19-20 (viz. that both the consumers as well as the Co. would be liable to pay charges for the supply of energy and in case of default in payment,Govt. would be entitled to discontinue the supply and recover the

charges ...

~~25~~ 61 5660/36/32113

4 OCT 1945 charges through court and (ii) that the payment of charges by the tenants to the Hubli Ely.Co.would not be a valid plea against Govt's claim) was shown u.o. to the El.Engr.to Govt.

5. In his u.o.r. within, the El.Engr. to Govt. states that the Co. has since agreed that the charges for the supply of energy consumed by the Co. and the Chawls be adjusted against the amounts due to the Co. for the stores etc. taken over by Govt. and hence it is not necy. to take any action in the matter. The El.Engr.to Govt's. proposal of deferring the question of adjustment till the final settlement as regards the purchase of the undertaking, may be accepted.

6, The El.Engr.to Govt. may see this for his information.

ABD
1-10-45.

VPA.
1/10-.

D.S.

3/10

Recd. from Engg. u.o. to El. Engr, 4-10-45

TO GOVERNMENT
Inwd. No 2600
6 OCT 1945
W. R. EGERAY

Below U.O.R.No:5660/36/32113 dated the 4th October 1945, from Government in the Public Works Department.

======

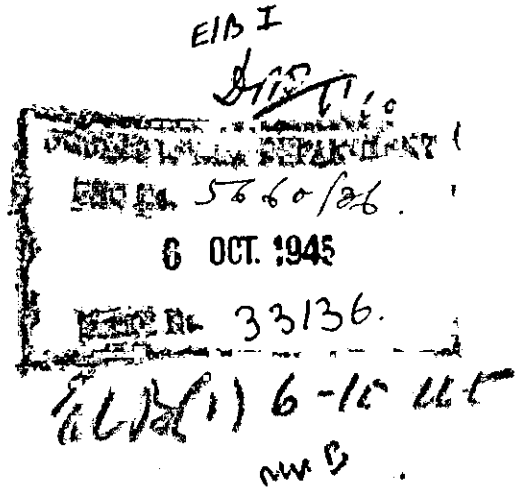
No. LRM.11/3038 of 1945.

Bombay, 6th October 1945.

Seen and returned, with compliments.

Electrical Engineer to Govt.

P.



3660/86/33156.

64.

EL. Br. dy

Submitted w.r.t. the O.N. d.

the 1-10-45.

2. This may now be recorded for the present.

8-10-45.

1-6-47

D.S.

GOVERNMENT OF BOMBAY.
Public Works Department,
Resolution No.5660/36.
Bombay Castle, 28th January 1944.

Government Letter No.5660/36-M, dated the 3rd April 1943, to the Hubli Electricity Company, Limited:-

" The Electric Inspector, Bombay Province, who recently visited your Company reports as under:-

" There is no qualified Engineer or other person in charge of the supply company's station and works, either electrical or mechanical. There are six generating sets in the power house:

	Description of the sets.	Condition of the sets.
1.	750 B.H.P. engine with 600 KVA generator.	Unserviceable, owing to broken crankshaft.
2.	480 B.H.P. engine with 296 KW. generator.	Unserviceable, owing to broken crankshaft.
3.	350 B.H.P. engine with 275 KVA. generator.	Unserviceable; cylinder heads and piston heads cracked.
4.	150 B.H.P. engine with 130 KVA. generator.	Has been dismantled and new parts are being fitted from the Railway workshop.
5.	150 B.H.P. engine with 130 KVA. generator.	The engine in in such bad condition that not more than 60 KW. load can be put on the generator.
6.	115 B.H.P. engine with 82 KVA. generator.	The set is in a very bad condition and repairs are badly needed.

It will be seen from the above that only one set, No.(5), can be used for obtaining power, the maximum being 60 KW. against the Company's average peak load of 180 KW."

2. Government is satisfied that there are sufficient grounds for revoking your license under Section 4(1) of the Indian Electricity Act but it is pleased to permit the license to remain in force under Section 4(2) of the Act subject to the following conditions:-

(a) that within a period of six months from the date of this letter you recondition your plant and put the same in proper working order for the purpose of ensuring a continuous and efficient supply to all consumers connected to the system and in order to fulfil the obligations imposed on you by virtue of the contract with the ....

consumers as laid down in clause VI of the schedule to the Indian Electricity Act, 1910, subject to the limitations imposed by the orders issued under the Defence of India Rules., and

(b) that you make proper arrangements for the maintenance of the plant immediately.

2. Should you fail to take necessary steps to fulfil the above conditions your license will be revoked."

Read letter from the District Magistrate, Dharwar, No.Pol.SR 143, dated the 13th October 1943.

Read letter from the Hubli Electricity Company, Limited, No.L./5, dated the 13th October 1943.

Read Memorandum from the Electrical Engineer to Government No.EEM.11/3530, dated the 5th November 1943.

RESOLUTION.- In exercise of the powers conferred by Section 4 of the Indian Electricity Act, 1910, the Government of Bombay is pleased to direct that the Hubli Electric License, 1924, granted to Messrs.Ramakrishna L.Amte, LL.B., and Sidheshwa C.Malimath, B.A., in Government Notification No.1552, dated the 28th June 1924, published at pages.1470 - 1473 of Part I of the Bombay Government Gazette dated the 3rd July 1924 and since assigned by them to the Hubli Electricity Company, Limited,- vide Government Resolution No.6626, dated the 28th January 1925 - should be revoked with effect from the 1st May 1944.

2. The requisite notification should be published in the Bombay Government Gazette.

By order of the Governor of Bombayy

C.G.KALE,
Deputy Secretary to Government.

G.R.No.5660/56, P.W.D., dated the 28th January 1944.

To

* The General Department,
* The Commissioner, Southern Division,
* The Superintending Engineer, Southern Circle,
* The District Magistrate, Dharwar,
* The Remembrancer of Legal Affairs,
* The Solicitor to Government,
* The Accountant General, Bombay,
* The Electrical Engineer to Government,
* The Executive Engineer, Dharwar Division,
* The Executive Engineer, Electrical Division,
* The Post Master General, Bombay,
* The Director of Industries,

with copy of the Notification.

No. of 1944.

Copy forwarded for information and guidance t
VR.28/1.

PUBLIC WORKS DEPARTMENT.

Bombay Castle, 28th January 1944.

INDIAN ELECTRICITY ACT, IX OF 1910.

No. 5660/36.—Whereas by Government Notification in the Public Works Department, No. 1552, dated the 26th June 1924, Messrs. (1) Ramakrishna L. Amte, LL.B., and (2) Sidheshwar S. Malimath, B.A., carrying on business in partnership under the name and style of Amte and Company, Hubli, were granted a license called the Hubli Electric License, 1924, to supply energy within the area and upon the terms and conditions mentioned in the said license and whereas, with the consent of Government the license was assigned by the said Messrs. Amte and Malimath to the Hubli Electricity Company, Limited, a company duly incorporated under the Indian Companies Act, 1913, at Bombay on the 28th of March 1924, subject to the performance by the assignees of the obligations imposed upon the licensees under or by the said license and the Indian Electricity Act, 1910 (as [redacted]) and the Rules for the time being in force

And whereas the said Company has failed to comply with the requirements communicated to it in Government Letter No. 5660/36-M, dated the 3rd April 1943, viz., that within a period of six months from the date of the said Government letter, it should recondition its plant and put the same in proper working order for the purpose of ensuring a continuous and efficient supply to all consumers connected to the system and that it should make proper arrangements for the maintenance of the plant immediately, non-compliance with which has rendered the license liable to revocation under clause (*b*) of sub-section (*1*) of section 4 of the Indian Electricity Act, 1910.

And whereas in the opinion of the Government of Bombay the public interest requires that the said license should be revoked.

Now, therefore, in exercise of the powers conferred by section 4 of the Indian Electricity Act, 1910 (IX of 1910) the Government of Bombay is pleased to revoke the sa[illegible] Hubli Electric License, 1924, with effect from the [illegible] May 1944.

By order of the Governor of Bom[illegible]

R. H. HAMMETT, Ad[illegible]

O R D E R.

Public Works Department;
Bombay Castle, 29th April 1944.

No.5660/36.- In exercise of the powers conferred by clause (d) of Section 5, read with Clause (g) of the said section 5 of the Indian Electricity Act, 1910 (IX of 1910), the Government of Bombay is pleased to intimate to you that it has elected to purchase the undertaking of the Hubli Electricity Company, Limited. Hubli, and to require you to sell the undertaking to the Government at a price to be determined as provided in clause (b) of section 5 of the said Act and to hand over possession of the same to ----- Mr.N.C.Raghavan, Deputy Engineer, on the 1st May 1944.

By order of the Governor of Bombay,

R.H.HAMMETT,

Secretary to the Government.

To

The Hubli Electricity Company, Limited, Hubli.

.....

NOTIFICATION.
Home Department (Political)-War.
Bombay Castle, 29th April 1944.

No.S.B/II.594.- In exercise of the powers conferred by section 3 of the Essential Services (Maintenance) Ordinance, 1941 (Ordinance No.XI of 1941), the Government of Bombay, being of --- opinion that employment in connection with the maintenance, working or management of the undertaking for the supply of electricity in the area of supply referred to in clause 4 of the Hubli Electric License, 1924, is essential for securing the public safety and the maintenance of public order and for maintaining supplies and services necessary to the life of the community, is hereby pleased to declare all such employment to be employment to which the said Ordinance applies.

By order of the Governor of Bombay,

H.V.R.Iengar,

Secretary to the Government of Bombay,
Home Department.

No.5660/36-El.
Public Works Department,
Bombay Castle, 1st May 1944.

Copies forwarded to -

the Secretary to the Government of India, Department of .....

of Labour, with reference to this Government endorsement No.5660/36-El., dated the 30th March 1944,

the Electrical Commissioner with the Government of India with reference to the correspondence ending with his letter No.El-C.2/118-S, dated the 18th April 1944,

the Finance Department,

the Commissioner, Southern Division, with reference to the correspondence ending with Government endorsement No. 5660/36-El., dated the 1st April 1944,

the Electrical Engineer to Government with reference to the correspondence ending with his No.L.R.M. 11/396, dated the 24th April 1944,

the General Department,
the Superintending Engineer, Southern Circle,
the Post Master General, Bombay,
the Remembrancer of Legal Affairs,
the Solicitor to Government,
the Accountant General, Bombay (through the Finance Department),
the Executive Engineer, Electrical Division,
the Executive Engineer, Dharwar Division,
) with reference to Government Resolution No.5660/36, dated the 28th January 1944.

the District Magistrate, Dharwar, with reference to the correspondence ending with his endorsement No.P.O.L. S.R.143, dated the 1st March 1944.

2. The Commissioner will kindly inform the Administrator, Municipal Borough, Hubli, accordingly.

(FOR THE COMMISSIONER SOUTHERN DIVISION ONLY).

3. The Electrical Engineer to Government will kindly report the staff, temporary as well as work-charged, required for running the undertaking together with the rate of pay of each individual.

(FOR THE ELECTRICAL ENGINEER TO GOVERNMENT ONLY).

By order of the Governor of Bombay,

Secretary to the Government of Bombay,
Public Works Department.

O R D E R.

Public Works Department;
Bombay Castle, 3rd May 1944.

No.5660/36.- Whereas by Government Order, Public Works Department No.5660/36, dated the 29th April 1944 Government was pleased to intimate to the Hubli Electricity Company, Limited, Hubli, under clause (d) read with clause (g) of section 5 of the Indian Electricity Act, 1910 (IX of 1910) that it had elected to purchase the undertaking of the said Company and to require the said Company to sell the undertaking to the Government and to hand over possession of the same to Mr.Nidamangalam Chakrapani Raghavan, Deputy Engineer, on the 1st May 1944;

And Whereas the said Company has failed to comply with the said Order pending the settlement of the price and completion of the purchase;

And Whereas the determination of the price as provided in clause (b) of section 5 of the Indian Electricity Act, 1910 (IX of 1910) and the completion of the purchase of the said undertaking would take time;

And Whereas it appears to the Government of Bombay that in the interests of the efficient prosecution of the war and for maintaining supplies and services essential to the life of the community, it is necessary to exercise control over the whole of the said undertaking pending completion of the purchase of the said undertaking;

Now, Therefore, in exercise of the powers conferred by sub-rule (3) of rule 81 of the Defence of India Rules, the Government of Bombay is pleased -

(i) to authorise Mr.Nidamangalam Chakrapani Raghavan, Deputy Engineer, to exercise, such effective control as to keep the said undertaking in efficient working order consistent with the provisions of the Indian Electricity Act, 1910; and

(ii) to prohibit the Hubli Electricity Company, Limited, Hubli, from interfering with or obstructing the said Mr.Nidamangalam Chakrapani Raghavan, Deputy Engineer, in the discharge of his functions under clause (i).

By order of the Governor of Bombay,

R.H.HAMMETT,

Secretary to Government.

VR.3/5.

GOVERNMENT OF INDIA,
DEPARTMENT OF COMMERCE.
OFFICE OF THE SPECIAL OFFICER, WAR RISK INSURANCE.
Haroon House,
294, Bazargate Street,
Bombay, 30th August 1944

No. [illegible]/873

From

M.L.Tannan, Esq.,
Special Officer, War Risks Insurance,
Bombay.

To

The Managing Agents,
The Hubli Electricity Co.Ltd.,
Hubli.

Gentlemen,

Re:- War Risks(Factories) Insurance Ordinance - Policies Nos.1942, 11761 & 11888.

In connection with your application for cancellation of the above mentioned policies, I have the honour to request you to let me know at a very early date whether the sale of the undertaking by you in favour of the Provincial Government has since been effected, and if so to inform me of the date of the sale. Please also state the date on which Government of Bombay seized the property under rule 81(3) of the Defence of India Rules and whether all the properties insured under the said three policies have been purchased by Government and if not, the value of the properties not purchased. Documentary evidence in support of your statements may please be produced at an early date.

I have the honour to be,
Sir,
Your most obedient servant,

Sd/. M. L. Tannan

Special Officer,
War Risks Insurance, Bombay.

PGN.

P.T.O.

5260/36
23946

No. 7/874 Dated 30th December 1936

Copy forwarded to the Secretary to the Government of Bombay, P.W.D., Bombay, with a request to let the undersigned know for the information of the Government of India whether the sale referred to has been effected and if so, when and also whether the Provincial Government seized the property under Rule 81(3) of the Defence of India Rules.

Special Officer,
War Risks Insurance, Bombay.

El. Br. P.W.D.

Submitted.

2. The purchase of the Hubli Electricity undertaking has not so far been effected. The relevant papers reg. the valuation of the undertaking are under n.o.v. to the F.D. which has been urged for the return of the papers in question.

3. Pending the completion of the purchase of the undertaking Govt has taken over the control

El B 31/8

5660/36

31. XII

23946

El B

5860/36.
23946

of the undertaking – vide G.O. No 5860/36, dt the 3rd May 1944. The Special Offcir, War Risks Insurance will be informed of this position but it seems it will be necessary for Govt to furnish him with the list of Hdqrs which Govt has taken over under the control. The El. Engr to Govt may be requested n.o. to furnish that list.

23/9/44

GH
25 IX 44

26 SEP

6
11 OCT 1944
P. W. D., BOMBAY

n.o. & el. engr, dt the 26/X Sept 1944.

Returned with compliments.

2. The list showing the buildings which have been actually taken over by Government is enclosed.

Electrical Engineer to Govt.

To W.C.R. to Government in the Public Works Department, Bombay.

No. LRM.11/2996 of 1944. dated 11th October 1944.

EE/M4/10

PUBLIC WORKS DEPARTMENT
File No. 5760/36
11 OCT 1944
Part No. 2 8030

List of buildings owned by the Public Electricity Co. Ltd., which have actually been taken over under the control by Government.

S.No.	Particulars	Block No.	Municipal No.
1	Power House Building	1	
2	Cooling water tank	15	
3	Fuel oil storage tanks	16	
4	& pump room and cover over well	7	
5	Old Office building.	2	
6	Country-tiled shed	9*	
7	Country-tiled shed	10	
8	Country-tiled shed	12	4953
9	Well	17	
10	Fountain	18	
11	Fencing for the compound	-	
12	Stores shed	3	
13	Welding shop & Samyukta Karnataka Press building	4	
14	Mangalore-tiled open shed (carpenter's shop)	13	4953/1
15	New Offices building(used as office of Samyukta Karnatak Press).	6	4953/3
16	General Latrines	11	
17	Show room, garage & staff quarters (3 rooms)	6	4953/1-3
18	Officers staff quarters (for Managing Agents)	5	
19	Latrines for staff	14	4945
20	Bore-well (not completed & put in commission)		
21	Keshwapur sub-station.	"	439/2
22	Hospital "	"	-
23	Kamariput "	"	-

* The country-tiled shed(Block No.9) has lately fallen down

t.o.

'r heavy rains and has been dismantled.

Electrical Engineer to Govt.

GOVERNMENT OF INDIA,
DEPARTMENT OF COMMERCE.
OFFICE OF THE SPECIAL OFFICER, WAR RISKS INSURANCE.

F/1197

Bombay, 26th Sept 1944

From

M.L.Tannan, Esq., I.E.S.(Retd.),
Special Officer, War Risks Insurance,
Bombay.

To

The Secretary to the Government of Bombay,
Public Works Department,
Bombay.

Sir,

Subject:- War Risks(Factories)Insurance Ordinance - Hubli Electricity Co.Ltd., Hubli.

I have the honour to invite your attention to this office endorsement No.F/874 dated 30th August 1944 forwarding a copy of my letter No.F/873 of the same date to the Managing Agents, the Hubli Electricity Co.Ltd., Hubli, and to request the favour of a very early reply thereto.

I have the honour to be,
Sir,
Your most obedient servant,

M.L.Tannan

Special Officer,
War Risks Insurance, Bombay.

PGN.

5266/36
26535

80

El. Br. P.W.D.

Submitted

2. The main case has been retd. + Fdr. no. 23946
U.O. to the El. Engr to Govt on
the 25th inst. for certain informn.
Reply may be awaited.
In the meanwhile the
draft may be issued.

30/9/44.
No 5660/36 El.

P.W.D. Govt
B.C. 3 Sept 1944.

To
The Special Officer,
War Risks Insurance, Bombay.

Sir, Sub:— As at 'A' overleaf

With reference to your letter No F./11197, I am to state that the matter is under correspondence with the El. Engr to this Govt and a further communication will be made to you as soon as his reply is received.

I have etc.

ISSUED
On 5-10-44

PUBLIC WORKS DEPARTMENT
File No. 5660/36
28. SEP. 1944
Serial No. 26535

30/9/44
2/10

GOVERNMENT OF INDIA. 81

DEPARTMENT OF COMMERCE.

OFFICE OF THE SPECIAL OFFICER, WAR RISK INSURANCE

Haroon House,

204, Esplanade Street,

Bombay, 4/11/44.

No. SE/F/1496

From

M.L. Tannan, Esq., I.E.S. (Retd.),
Special Officer, War Risks Insurance,
Bombay.

To

The Assistant Secretary to the Government of Bombay,
Public Works Department,
Bombay.

Subject:- War Risks(Factories) Insurance Ordinance - Hubli Electricity Company, Limited, Hubli.

Sir,

I have the honour to invite your attention to the correspondence resting with your letter No. 5660/36 - E1 dated 3rd October 1944 and to enquire when the information required by the Government of India may be expected.

I have the honour to be,
Sir,
Your most obedient servant,

M.L. Tannan

Special Officer,
War Risks Insurance, Bombay.

KJA

5260/36
30533

El. Br. P.W.D.

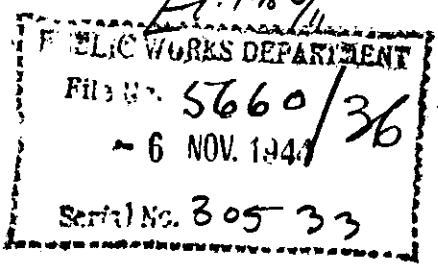
Submitted with reference
to his D.O. Wb 8.9 dt. 25-9-44
& his U. O's reply. P 10

2. The draft list up may
issue, if approved.

SRM
12/11/44

CE 13/11/44 SE (P&R)

I



EOB
6/11/44

5660/36
28030

No 5660/36 El.

P.W.D.
B. C. 17th Nov 1944

To

The Special officer, War Risks Insurance
Bombay.

Sub:— War Risks (Factories) Insurance
Ordinance: Hubli Elty Cty. Hld,
Hubli

Sir,

With reference to the correspondence ending with your letter no F./1496 of the 4.11.44, I am to state that the purchase of the Hubli Electricity undertaking has not so far been effected. Pending completion of the purchase Govt has taken over the control of the undertaking under rule 81 of the Defence of India Rules—

5260/36
30533

- Vide G.O. P.S. no 5260/36, dt the 30th May 1944 - copy enclosed for reference.

2. The enclosed list shows the bldgs owned by the Hubli Electricity Cy. Ltd, which have been actually taken over under the control by Govt.

Yours etc.

D.A: copy of Order & list

ISSUED with ↗
On 18.11.44

RJ
13/11/44

CU
13 XI 44

13/11

13/11

No.F/1868 dated 21st December 1944.

From

M.L. Tannan, Esq., I.E.S. (Retd.),
Special Officer, War Risks Insurance,
Bombay.

To

The Hubli Electricity Co.Ltd.
Post Box No.23,
Hubli.

Subject:- War Risks(Factories) Insurance Ordinance
Non-payment of instalments of premium due on 1-9-44, and 1-12-44 in respect of policies Nos.1942,11761 and 11888.

Sir,

I have the honour to state that it has been reported to me that you have still not paid the amount of the instalments payable on 1-9-44 and 1-12-44 in respect of policies Nos. cited above held by you. You have thus committed an offence punishable under Section 5(4) of the War Risks(Factories) Insurance Ordinance and have rendered yourselves liable for prosecution. Please note therefore, that if the said payment is not made before the 30th December 1944 further action as provided by the said Ordinance will be taken against you.

I have the honour to be,
Sir,
Your most obedient servant,
Sd, M.L. Tannan
Special Officer,
War Risk Insurance, Bombay.

True Copy

Special Officer,
War Risks Insurance, Bombay.

16-3-45

From
The Hubli Electricty Company Ltd.,
Post Box No.23,
Hubli.

Ref.G.6, Dated 28th December 1944.

To
The Special Officer.
War Risks Insurance,
Bombay.

Dear Sirs,

Re:-Instalments of Insurance due.

We beg to acknowledge the receipt of your letter No.P/1868 of 21st instant, demanding payment of the instalments of insurance amount due by 30th instant .

In this connection we have to draw your kind attention to our letter to you in this behalf of 18th inst, which as evidently crossed yours of 21st instant. We have explained to you the very special circumstances under which we have been disabled from complying with your demand for payments of instalments of insurance regularly as we did without fail until our undertaking was taken over by the Government of Bombay under the defence of India regulations.

We may further point out to you that the Deputy Engineer in Charge of our undertaking has been collecting all the revenue month after month from our undertaking. He has not placed out of these funds at our disposal, even by way of compensation for user of our plant and machinery and buildings, any sum of money. We are, as such unable to meet any obligations even if we are so deemed to be primarily liable to you to make payments for war risk insurance

Under these special circumstances, we have to crave your indulgence to kindly await the result of the Civil Suit we have already filed in the High Court of Bombay. This suit is expected to be heard at a very early date.

Please excuse us in the mean while from making payments on due dates of the War Risks Insurance instalments,

Thanking you in the mean while,

Yours faithfully,
For the Hubli Electricity Co.Ltd.,
Sd.
Manging Agents.

True Copy

Special Officer,
War Risks Insurance, Bombay.

No. 116 - W.R.I. (73)/44
Government of India.
Department of Commerce,

New Delhi, the 9th January 1945.

From
H.C.Dey, Esq., M.Sc.,
Assistant Secretary to the Government of India,

To
The Secretary, War Risks Insurance,
Advisory Committee, Jacob Sassoon Building,
Bombay.

Subject:- Cancellation of policies Nos.1942, 11761 and 11888 relating to the Hubli Electricity Company Ltd., consequent on its seizure by Government.

Sir,

In continuation of this Department letter No.116-W.R.I (73)/44, dated the 7th December 1944 on the above subject, I am directed to say that it has been ascertained that the purchase of the Hubli Electricity Company, Limited by the Provincial Government has not yet been completed though pending completion of the purchase, the Provincial Government taken over control of the undertaking under rule 81(3) of the Defence of India Rules. The ownership of the property, therefore still vests in the insured under policies Nos.1942,11761 and 11888 who should continue the insurance under those policies. until completion of the sale of the property by them to the Provincial Government.

I have the honour to be,
Sir,
Your most obedient servant,

Sd. H.C.Dey
Assistant Secretary to the Govt. of India.

No. 116- W.R.I.(73)/44

Copy forwarded to the Special Officer, War Risks Insurance, Haroon House, 294, Bazargate Street, with reference to his letter No.F/1674, dated the 25th November 1944.

By order ect
Sd. H.C.Dey
Asst.Secretary to the Govt. of India.

True Copy

Special Officer,
War Risks Insurance, Bombay.

16-3-45

No.F/2023 dated 18th January 1945 //

From
M.I. Tannan, Esq., I.E.S. (Retd.),
Special Officer, War Risks Insurance,
Bombay.

To
The Managing Agents,
The Hubli Electricity Co.Ltd.,
Hubli.

Re:- War Risks (Factories) Insurance Ordinance 1942 - Non-payment of instalments of premium due on 1-9-44 and 1-12-44 in respect of policies Nos. 1942, 11761 and 11888

Gentlemen,

With reference to the correspondence resting with your letter No.G.6. dated 28th December 1944 I have the honour to state that it has since been decided by the Government of India that since the purchase of the Hubli Electricity Co.Ltd. by the Provincial Government has not yet been completed, though pending completion of the purchase, the Provincial Government has taken over control of the undertaking under rule 81(3) of the Defence of India Rules, the ownership of the property still vests in the insured under policies Nos.1942,11761 and 11888 who would have to continue the insurance under these policies until completion of the sale of the property by them to the Provincial Government.

In view of this decision of the Government of India you are liable to make payment of the instalments of premium which have already become due on 1st. September and 1st December 1944 in respect of the War Risks(Factories) Insurance policies referred to above. If therefore, the payment of the said instalments of premium is not made to the Government Agent concerned before the 25th January 1945 action

P.T.O.

under Section 5(4) of the War Risks(Factories) Insurance Ordinance may have to be taken against you.

I have the honour to be,
Gentlemen,
Your most obedient Servant,

Sd. M.L. Tannan,

Special Officer,
War Risks Insurance, Bombay.

No.F/2024 dated 18-1-1945

Copy forwarded xxx for information to th Superintendent, New India Assurance Co.Ltd. Post Box No.969, Bombay with reference to his letter marked WRI and dated 16th December 1944.

Sd.

(True Copy)

Special Officer,
War Risks Insurance, Bombay.

12-3-45

From
The Hubli Electricity Company Limited,
Post Box No.23,
Hubli.

Re.G.6 dated 22nd January 1945.

To
The Special Officer,
War Risks Insurance,
Bombay.

Dear Sir,

Re:- War Risks(Factories) Insurance Ordinance 1942
Non-payment of instalments of premium due on
1-9-44 & 1-12-44 in respect of policies Nos.1942,
11761 and 11888.

With reference to your letter No.F/2023 of 18th instant , we regret to note that you seem to have overlooked certain important facts brought to your notice in our letter to you of 18th December 1944, viz that the Government have not been controlling our undertaking under Rule 81(3) of D.I.Rules, but as a matter of fact are actually holding possession of the whole property, and have deprived us of its enjoyment in every respect. The Government have been "carrying on" the undertaking themselves on their own account , and not on our behalf, so much so that monthly bills for energy are being sent in their own name andcredited to their own account in the Government Treasury. Even the rents from our property are being collected for the Government and not on our account. When the Government has deprived us of all our legitimate sources of income, we wonder how we can ever be legally held responsible for the liabilities due from the enjoyment of the properties by the Government.

Further, as already pointed out to you in our above referred-letter, there is no certainty at all the properties being handed over back to us. Under such circumstances, one would not know how long the Company will have to continue to bear this illegal and precarious liability for no fault of theirs

We trust you will please appreciate that the company shall have to bear such uncertain liabilities for no consequent relief to themselves. We are therefore directed by our Board of Directors to refer this matter to our legal advisers in Bombay for advice for our guidance. We shall therefore feel highly obliged to you would kindly extend the period for payment of the instalments due by about 6 months to enable us to obtain such proper legal advice and to act accordingly.

Thanking you,

Yours faithfully,
for the Hubli Electricity Co.Ltd.
Sd.
Managing Agents,

Copy to the Manager New India Assurance Company Ltd., in reply to his letter of 19th instant on this subject.

True Copy

Special Officer,
War Risks Insurance, Bombay.

16.3.45

No.F/2096 of 1944/45

From
M.L. Tannan, Esq., I.E.S. (Retd.),
Special Officer, War Risks Insurance,
Bombay.

Dated 29th January 1945.

To
The Managing Agents,
The Hubli Electricity Co.Ltd.,
Post Box No.23,
Hubli.

Gentlemen,

Re:- War Risks(Factories) Insurance Ordinance - Non-payment of instalments of premium due on 1-9-44,& 1-12-44 in respect of policies Nos.1942, 11761 and 11888

I have the honour to refer to the correspondence resting with your letter No.G-6. dated 22nd January 1945 and to inform you that the position has already been explained to you and the Government decision in the matter communicated to you in my letter No.F/2023 dated 18th instant. There is therefore nothing further to add except that if the instalments of premium referred to above are not immediately paid before the 31st instant, action as provided in section 5(4) of the above cited Ordinance may have to be taken. Extension of 6 months for such payment requested by you cannot be granted., It is open to you to take legal advice in the matter but payment of the said instalments must be made before the said date.

I have the honour to be,
Gentlemen,
Your most obedient servant,

Sd. M.L. Tannan
Special Officer,
War Risks Insurance, Bombay.

(True Co.y)
Special Officer,
War Risks Insurance, Bombay.

From
The Hubli Electricity Co. Ltd.,
Post Box No.23,
Hubli.

Re. G.6. dated 1st February 1945

To
The Special Officer,
War Risks Insurance,
Bombay.

Dear Sir,

We have to acknowledge the receipt of your letter of 29th January 1945, received only on 31st January 1945. We have to request you kindly reconsider our request to grant us some time for an enabling us to obtain necessary legal advice in the matter, especially in view of the fact that the premium amount is to be paid only for once and as such, the matter shall have to be carefully determined once for all.

The levy now demanded is apparently unjust and illegal in as much as admittedly it is in respect of a property the full and entire enjoyment of which is being made by the Government themselves rightly or wrongly.

Under the circumstances, we have to request you to kindly grant us at least six weeks only though not six months to enable us to do the needful in the matter and oblige.

Yours faithfully
for the Hubli Electricity Co.Ltd.
Sd. Managing Agents.

True Copy

Special Officer,
War Risks Insurance, Bombay.

12-3-45

No.F/2289 dated 9th February 1945

From
M.L. Tannan, Esq., I.E.S. (Retd.),
Special Officer, War Risks Insurance,
Bombay.

To
The Assistant Secretary to the Government of India,
Department of Commerce,
New Delhi.

Sir,

Subject:- War Risks(Factories) Insurance Ordinance - Non-payment of instalments of premium due on 1-9-44 & 1-12-44 in respect of policies Nos.1942, 11761 & 11888 issued to the Hubli Electricity Co.Ltd., Hubli, District Dharwar.

I have the honour to refer to your letter No.116 WRI(73)/44 dated 9th January 1945 to the Secretary, War Risks Insurance Advisory Committee, Bombay regarding cancellation of the above mentioned policies and to state that instalments of premium referred to above have not still been paid by the said insured on the ground that the control of the undertaking in question has been taken over by the Provincial Government. Copies of the marginally noted correspondence between me and the said insured are enclosed for your information In view of the circumstances stated by the insured in his letter to me I would request Government orders whether the payment of the said instalments by the insured should be insisted on, since in case the insured refuses to pay, and prosecution proceedings are taken against the managing agents of the company, it is doubtful whether Government would succeed. It appears, however, that since the control of the undertaking has been taken over by the Provincial Government and all collections and disbursements are made by that Government, the Provincial Government should be asked to pay the said instalments of premium on behalf of the said insured pending settlement of the question of purchase of the undertaking by that Government.

Letter No.G.6 dated 28-12-44 from the Hubli Electricity Co.Ltd. to the Special Officer, W.R.I.Bombay.

Letter No.F/2023 dated 18-1-45 from Special Officer, WRI, Bombay to the Managing Agents, Hubli Electricity Co.Ltd.

Letter No.G.6 dated 22-1-45 from the Hubli Electricity Co.Ltd. to the Special Officer W.R.I. Bombay

Letter No.F/2096 dated 29-1-45 from the Special Officer, W.R.I.Bombay to the Managing Agents, Hubli E. Co. Ltd.

Letter No.G66 dated 1-2.45 from the Hubli Electricity Co. Ltd. to the Special Officer, W.R.I. Bombay

I have the honour to be,
Sir,
Your most obedient servant,
Sd/ M.L. Tannan
Special Officer,
War Risks Insurance, Bombay.

(True Copy)

Special Officer,
War Risks Insurance, Bombay.

16-3-45

No.116-W.R.I.(73)/44.
Government of India,
Department of Commerce.

New Delhi, the 28th February 1945.

From

C.K. Ray, Esq., B.SC. B.L.,
Assistant Secretary to the Govt. of India,
New Delhi.

To

The Special Officer,
War Risks Insurance,
Haroon House, 294-Bazargate Street,
Bombay.

Subject:- Non-payment of instalments of premium due on policies Nos. 11761 and 11888 relating to the hubli Electricity Company Ltd., subsequent to its taking over by the Provincial Government.

Sir,

With reference to your letter No.F-2289, dated the 9th February 1945 on the above subject, I am directed to request you to forward to the Provincial Government copies of all relevant correspondence between you and the insured and this department on the above subject with a request to pay up all arrears of instalments due on the policies.

2. I am to add that in case the Provincial Government fails to pay, the amount should be recovered as an arrear of Land revenue under section 10(2) of the War Risks(Factories) Insurance Ordinance, in which case, the amount will be first charge on the property in respect of which the default was made.

3 A further report on the case should be submitted to this Department in due course.

P.T.O.

I have the honour to be,
Sir,
Your most obedient servant,

Sd. C.K.Ray
Assistant Secretary to the Govt of India

True Copy

Special Officer,
War Risks Insurance, Bombay.

14-3-45

GOVERNMENT OF INDIA
DEPARTMENT OF COMM
OFFICE OF THE SPECIAL OFFICER, W.R.I.

From
M.L. Tannan, Esq., I.E.S. (Retd.),
Special Officer, War Risks Insurance,
Bombay.

To
The Deputy Secretary to the Government of Bombay,
Public Works Department,
Bombay.

Subject:- War Risks (Factories) Insurance Ordinance - Non-payment of instalments of premium due on 1-9-44, 1-12-44 in respect of policies Nos. 1942, 11761 & 11888 issued to the Hubli Electricity Co.Ltd., Hubli, Dist. Dharwar.

Sir,

I have the honour to refer to your letter No.5660/36-EL dated 17th November 1944 and to forward herewith as directed by the Govt of India copies of the marginally noted correspondence between me and the insured under the above mentioned policies and the commerce department, Government of India on the above subject. I would request that the arrangements may please be made at an early date to pay up the arrears of instalments of premium due on the said policies to the Government Agent concerned, intimation thereof being given to this office.

1. Letter No.F/1868 dated 21-12-44 from the Special Officer, W.R.I. Bombay to the Hubli Electricity Co. Ltd. Hubli.
2. Letter No.G.6. dated 28-12-44 from the Hubli E.Co.Ltd. to the Special Officer, W.R.I. Bombay.
3. Letter No.116 WRI(73)/44 dated 9-1-45 from the Government of India, Department of Commerce, New Delhi to the Secretary to War Risks Insurance Advisory Committee, Bombay.
4. Letter No.F/2023 dated 18-1-45 from the Special Officer W.R.I. Bombay to the Managing Agents Hubli E. Co.Ltd.Hubli.
5. Letter No.G.6. dated 22-1-45 from the Hubli Electricity Co.Ltd. Hubli to the Special Officer, War Risks Insurance, Borbay.
6. Letter No.F/2096 dated 29-1-45 from the Special Officer, W.R.I. Bombay to the Managing Agents, Hubli E.Co.Ltd. Hubli.
7. Letter No.G.6. dated 1-2-45 from Hubli E. Co. Ltd. Hubli to the Special Officer, W.R.I. Bombay
8. Letter No.F/2289 dated 9-2-45 from the Special Officer, W.R.I. Bombay to the Assistant Secretary to the Government of India, Department of Commerce, New Delhi.
9. Letter No.116-WRI(73)/44 dated 28th February 1945 from the Assistant Secretary to the Govt of India, Dept of Commerce, New Delhi to the Special Officer, W.R.I.Bombay.

I have the honour to be,
Sir,
Your most obedient servant,

M.L. Tannan

Special Officer,
War Risks Insurance, Bombay

16-3-45

KJA

For information

P. W. D.

El. Branch.

Submitted with ref. to G.L.No.5660/36-El., dated the 17-11-44.

2. The Special Officer, War Risks Insurance, Bombay, has, at the instance of the G. of I., forwarded copies of the correce. between him, the Hubli Elecy. Co., Ltd., and the Commerce Deptt. of the G. of I., re: non-payment of instalments of premium in respect of certain policies issued to the Co., and requests that arrangements may be made to pay up the arrears of instalments of premium due on the policies in question to the Govt. Agent concerned.

3. The G. O. No.5660/36, dated the 3-5-44, under which Govt. has taken over the control of the Hubli Elecy. undertaking has been challenged and the suit pending in the High Court will come up for hearing shortly. Pending the result of the suit and also the completion of the purchase of the undertaking (vide G.L.No.5660/36-El., dated the 26-3-45) it is for consideration whether this Govt. should pay the said instalments of premium on behalf of the insured (the Hubli Elecy.Co.Ltd.) These papers may be refd. u.o. to the Solicitors to Govt., thro: the El.Engr. to Govt., for advice in the first instance.

EL
Inwd. 345
APR 1945
GJP

PRO
6-4-45.

DS

Govt. & Ll. 7-4-45

PUBLIC WORKS DEPARTMENT
5660/36.
9193

Below U.O.R.No.5660/36/9193 dated the 7th April 1945, from Government in the Public Works Department, Bombay.

No. LRM.11/ 193 of 1945.

Bombay, 11th April 1945.

Passed on, with compliments, to the Solicitors to Government, Bombay.

Electrical Engineer to Govt.

P.

"Only such communications as are intended for the personal attention of the Special Officer, War Risks Insurance should be addressed to him by name"

GOVERNMENT OF INDIA,
DEPARTMENT OF COMMERCE.
OFFICE OF THE SPECIAL OFFICER, WAR RISK INSURANCE
Hanson House,
204, Perin Nariman Street,
Bombay, 16th April 1945

F/169

From

M. L. Tannan, Esq., I.E.S.(Retd.),
Special Officer, War Risks Insurance,
Bombay.

To

The Deputy Secretary to the Govt. of Bombay,
Public Works Department,
Bombay.

Subject:- War Risks(Factories)Insurance Ordinance - Non-payment of instalments of premium due on 1-9-44, 1-12-44 in respect of policies Nos.1942, 11761 & 11888 issued to the Hubli Electricity Co.Ltd., Hubli, Dist.Dharwar.

Sir,

I have the honour to invite your attention to this office letter No.F/2514 dated 16th March 1945 and to request you to let me know at an early date if the arrears of instalments of premium in respect of the policies referred to therein have since been paid to the Government Agent concerned.

I have the honour to be,
Sir,
Your most obedient servant,

M L Tannan

Special Officer,
War Risks Insurance, Bombay.

PGN.

P.W.D.

El. Br.

The main case on the subject was referred no. to the El. Engr. to Govt. and the Solicitors to Govt. on 7-4-45. The present letter may also be referred no. to them in continuation. (23-5-45)

PRV
19-4-45.

Ex 20 IV 45 23/4 L.S.

To
U.O.R. to the El. Engr. to Govt. no.
the Solicitors to Govt.
dated the 23-4-45.

ELECTRICAL ENGINEER TO GOVERNMENT
Inward No. 9558/4 Solicitor
24 APR 1945
File No. LRn II
P. W. D. BOMBAY

ELB 17/4.

5760/36
17. APR 1945
2696

No. LRn II
455 23 APR 45 24/4/45
Passed on to the Solicitors to Govt Bldg with reference to this office no LRn-II/193 dated the 11th April 45.

To one 17

17.4.45

Electrical Engineer to Government
P. W. D., Bombay.

19/4/45

GOVT. OF INDIA
DEPARTMENT OF COMMERCE
OFFICE OF THE SPECIAL OFFICER, WAR RISK INSURANCE
Bombay, 1.
Esplanade Road,
Fort, Bombay, 1.

109

No. F/645 of 1945/46 June 1945.

From
M. L. Tannan, Esq., I.E.S.(Retd.),
Special Officer, War Risks Insurance,
Bombay.

To
The Asst. Secretary to the Govt. of India,
Department of Commerce,
New Delhi.

Subject:- Non-payment of instalments of premium due on War Risks(Factories Insurance Policies Nos.1942, 11761 11888 relating to the Hubli Electricity Co.Ltd.,

---

Sir,

With reference to the reminder No.116-WRI (73)/44 dated 29th May 1945 on the above subject, I have the honour to inform you that the matter is still under correspondence with the Bombay Government and that as soon as a reply is received from them, a further communication will be sent to you in the matter.

I have the honour to be,
Sir,
Your most obedient servant,

Sd/- M.L.Tannan,
Special Officer,
War Risks Insurance, Bombay.

No. F/646 Dated 7-6-45

Copy forwarded to the Dy.Secretary to the Govt. of Bombay, P.W.Dept., Bombay, with a request to expedite a reply to this office letter No.F/2514 dated 16-3-45. He is further informed that two more instalments of premium which fell due on 1-4-45 and 1-6-45 may also be paid along with those previously intimated, and this office informed accordingly.

Special Officer,
War Risks Insurance, Bombay.

PWD

El. Br. (I).

The main papers on the subject (file No. 5660/36/9193) have been referred no. to the El. Engr. to Govt. and the Solicitors to Govt. on 7-4-45 and have not been received back. This may be sent no. to those officers in continuation by way of a reminder.

PWD
11-6-45

C.O.R. to the El. Eng. to Govt.

PUBLIC WORKS DEPARTMENT
File No. 5660/36
8 JUN 1945
No. 18964.

111 No. LRM 11 1161 of 14/6/45

Passed on with compliments to the Solicitors to Govt with reference to this office no LRM-11/193 dated the 11th April '45.

Electrical Engineer to Government
P. W. D., Bombay

.17 of 1945.

ADVOCATE GENERAL'S CHAMBERS,
HIGH COURT,
Bombay, 25th June 1945.

Re:Province of Bombay
and
Re:War-risk insurance policies
of the Hubli Electricity Co.,Ltd.

OPINION.

Section 5(g) shows that there is no complete sal immediately taking effect on the service of the notice whereby Government exercise the option to purchase. Section 5(g) speaks of a completion of the sale, i.e. some thing whether takes place subsequent to the notice of -- exercise of the option. It also contemplates a completion by or before the date when the license ceased to operate. Therefore the completion must be on payment of the price and transfer of the lands and properties to the purchaser, pending which, during the period up to the date of revocation the licensee continues to run the undertaking, and -- after that date the purchaser renewes it, or it stops.

The Government, therefore, in my opinion is not the owner till the price is paid. The war risks insurance is payable by the owner, or by the occupier as agent for the owner. Government has entered into occupation actually -- for the purpose of exercising control under the order made under Rule 81 of the Defence of India Rules.

In my opinion Government are bound to pay the insurance premiums until the purchase is "completed" and ----- account of the owner for all the working until then.

Advocate General.

Bombay, 25th June 1945.

No.M/NV 5269/45

Below L. R. M. No.11/193 of 1945, dated the 11th April 1945.

We enclose herewith for your perusal the Advocate General's 1.47 opinion on the matter in question.

The file of papers is returned herewith.

Solicitors to the Government of Bombay.

Encl:

C. No. LRev II 1359 § 26/6/45

Passed on with compliments to Rai Secretary to Govt, P.W.D. Bbay.

Electrical Engineer to Government. P. W. D. Bombay

P.T.O.

5660/36
20870

Public Works Deptt.

El.Bch.(I).

Submitted with reference to this Deptt.U.O.R., dated the 7-4-45.

2. In view of the Advocate General's opinion the drafts put up may issue, after ~~sent~~ to the P.W. El. Engr. to Govt.
2-7-45.

MKP.
2/7/45.

To me

PUBLIC WORKS DEPARTMENT
REG No. 5660/36
26 JUN 1945
20870

No.5660/36-El.(I). Public Works Deptt.,
117 B.C., 6th July 1945.

To

The Special Officer,
War Risks Insurance, Bombay.

Subject:- War Risks (Factories) Insurance Ordinance.
Non-payment of instalments of premium due on 1-9-44, 1-12-44, 1-4-45 and 1-6-45 in respect of policies Nos.1942, 11761 and 11888 issued to the Hubli Ely.Co.Ltd., Hubli, Dist.Dharwar.

...

Sir,

With reference to the correspondence ending with your endt. No.F/646, dated the 7-6-45, on the subject mentioned above, I am directed to state that the Dy.Engr.in charge of the Hubli Ely.Undertaking is being instructed to pay the arrears of instalments of premium due on the policies referred to above as well as future instalments to the Govt. Agent concerned, pending settlement of the question of purchase of the undertaking by the Govt.of Bombay.

D.A.-Nil.

Your obedient servant,

Copy, with copies of letter from the Spl.Officer, War Risks Insurance, Bombay, No.F/2514, dated the 16-3-45, and of its accompts., and his endt.No.F/646, dated the 7-6-45, forwarded with compliments, to the Elecl.Engr.to Govt.with reference to the correspondence ending with his No.LRM.11/1359, dated the 26-6-45.

2. The Elecl.Engr.to Govt.is requested to instruct the Dy.Engr.in charge of the Hubli Ely.Undertaking to pay the arrears of instalments of premium due on the policies referred to ~~above~~ as well as future instalments to the Govt. Agent concerned, pending settlement of the question of purchase of the undertaking, the amounts so paid being adjusted at the time of payment of the valuation amount to the Hubli Ely.Coy.,Ltd.

Copies to the Solicitors to Govt. with reference to their No.M/NV/5269/45, dated the 25-6-45.

277/45.

PRO 7-7-45.

The El. Engr. to Govt. to see before issue.

U O Rt. El Engr. to Govt. dated 2.VII.45

// Below U.O.R.No.5660/36/20870 dated the 2nd July 1945, from Government in the Public Works Department.

No. L&Au II - 1448 of 1945.

Bombay, 3rd July 1945.

Seen and returned, with compliments.

Electrical Engineer to Govt.

P.

5660/36
21735

120

R.W.D.

El. Br. (I).

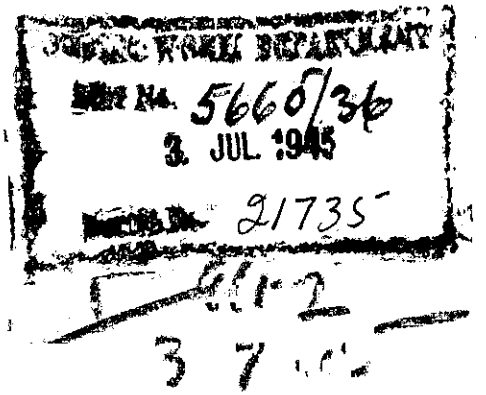
1.5.1

Issue drafts within.

P.R.V.
3-7-45.

4/7/45

El B I 3/7.



Copy of letter dated the 13th August 1945, from the Hubli Electricity Company, Limited, to the Electrical Engineer to Government, Public Works Department, Bombay. Re:-War Risk (Factory Insurance) Premiums.

Without prejudice to the contentions we have taken and shall be so advised to be taken hereafter in the Court-proceedings, we have to request you to refund to us the sum of Rs.180/4/0, being the proportionate premium amount paid in advance by us for the month of May 1944.

The Government of Bombay has been claiming to have taken possession of our undertaking since the begining of May 1944 only; you are liable to refund to us such premium amount due for that month of May 1944. You are already aware that the quarterly premium amount comes to Rs.540/12/- during the year 1944, since you have already paid the remaining outstanding instalments due from June 1944, directly to Messrs. The New India Assurance Co.Ltd., Bombay on the said two policies till date.

We trust we need not stress any further, our claim in this behalf.

Thanking you in the mean while.

True Copy,

S.V. Wagle

Head Clerk to the Electrical Engineer to Government.

No.LRM.11/ 2393 P.W.D.Offices,Churchgate St. Fort,Bombay 28 August 1945.

To,

The Secretary to Government,
Public Works Department,
Bombay.

Re:-War Risks (Factories)Insurance - payment of premium in respect of policies issued to the Hubli Electricity Co.Ltd.,

I enclose a copy of letter dated the 13th August 1945, from the Hubli Electricity Co.Ltd.,asking for the refund of the premium paid by them for the month of May 1944, as the properties insured were taken over by Government from that month. The arrears of instalments of premium due on the policies have already been paid in accordance with Government letter No.5660/36-El(I) dated 6-7-45 and obviously the above claim for refund has been preferred by the Company. In my opinion,the question of refund may be kept pending till the final settlement of the question of the purchase of the Undertaking, as there are some other adjustments in respect of payments due to the Company for stores etc. taken over, which have been similarly kept pending.

It is requested that the Solicitors to Government may please be consulted in the matter as to the course suggested above.

Electrical Engineer to Govt.

5660/36/28609.

El. Br. (1).

124

1.5

Vide G.O.No. 5660/36, d. the 3-5-44, Govt. took over the control of the Kumble Ely. undertaking. The order has, however, been challenged and the question of the purchase of the undertaking by Govt. is not finally settled as yet. Pending the final outcome of this question, it was agreed to pay the future instal-ments as well as the arrears of instalments of premium due on certain policies, issued to the Co. — vide, G.L. No. 5660/36 - El. (1), d. the 6-7-45. Accordingly, the arrears have already been paid. The Co. now asks for the refund of Rs. 180/4/-, being —

* Vide G.O. 5660/36 dt. the 28th instant on p. 57

El. B (I).

29/8

PUBLIC WORKS DEPARTMENT
FILE No. A 5660/36
28 AUG. 1945
DIARY No. 28609

Dns

El B (I) 29/8

~~54~~ 125

being the premium amount paid in advance by them for the month of May 1944, since the properties insured were taken over by Govt. from that month. In his letter, within, the El. Engr. to Govt. states that the question of refund may be kept pending till the final settlement of the question of the purchase of the undertaking, as some other adjustments in respect of payments due to the Co., for stores etc. taken over by Govt., have also been kept pending.

1.57

2. The papers may be refd. u.o. to the Solicitors to Govt. for advice w.r.t. the El. Engr. to Govt's. proposal, above.

seen u.o. 24/9.

A83 24-9-45

24.9.45

Q.S. 2nd Solicitors to comment

u.o. to solicitors to Govt. [illegible]

Bombay, 4th October 1945.

No.L/NV&304 of 1945.

pp 58-59

Below U.O.R. dated 25-9-45.

Government may in the first place ascertain whether in fact any amount, as claimed by the Company by their p.55 letter of the 13th August last, is due to the Company. If it is found that some amount by way of proportionate premium paid in advance by the Company for the month of May 1944 is due to them, then we would advise that Government should pay the same to the Company in order to avoid giving them any possible cause for complaint.

The file of papers is returned herewith.

Solicitors to the Government of Bombay.

Encl:
C.

5660/36/32792. 62

128

E.E.B.E. (1)

Submitted w.r.t. the
pp. 58-59 O.N., d. the 24-9-45.

2. The opinion of the Solicitors to Govt. overleaf may be shown u.o. to the El. Engr. to Govt and that officer may be requested to take the necy. action in the matter as suggested by the Solicitors.

A83
5-10-45

Rec'd 11/10

U.O. - 47 El. Engr to Govt. of

Rec'd 4/10.

Dy. No. 8041
22 OCT 10
File No. CRM II
P. I. ... ay

11-10-45

5660/36
4 OCT 1945
32792
No. EB/8(1) 4-10-45

Below U.O.R. No.5660/36/32792 dated the 11th October 1945 from Government in the Public Works Department, Bombay.

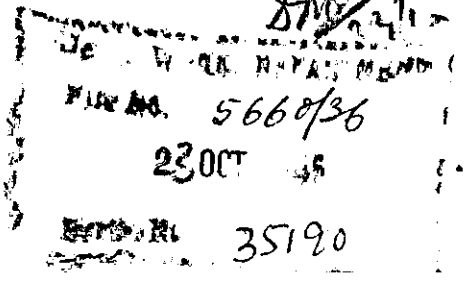
No.LRM 11/3223 of 1945.

Bombay 22nd October 1945.

Returned with compliments.

2. The action as proposed by the solicitors is being taken.

Electrical Engineer to Govt.



5660/36/3579

El.Br.(1)

Pl. see proceedings on pp. 58-62 ante. Since the action proposed by the Solicitors on p. 61 is being taken by El. Engr. to Govt., no further action is necy. on these papers which may be recorded for the present.

AB
24-10-45.

No.5660/36-El. Public Works Department,
Bombay Castle, 25th April 1945.

To

The Accountant General, Bombay.

Subject: Valuation of the Hubli Electrical Undertaking.

Mr.C.M.B.Mersh, retired Electrical Adviser to the Government of Central Provinces, has been appointed to report on the present fair-market value of the Hubli Electric Undertaking as the Hubli Electric License, 1924 has been revoked with effect from the 1st May 1944. He will be paid a lump sum fee of Rs.3,000(three thousand only) plus his actual first class fare to Hubli and back and Rs.7/- per day. The fee of Rs.3000/- is inclusive of the remuneration, travelling and conveyance allowances and all other expenses of his Assistant.

2. A source to meet the extra cost involved will be pointed out later.

By order of the Governor of Bombay,

R. H. Hammett,
Secretary to the Government of Bombay,
Public Works Department.

D.A:-Nil.

(Through the Finance Department).

Copy to -
the Finance Department,
the Electrical Engineer to Government, with reference to the correspondence ending with his No.L.R.M.11/105, dated the 10th April 1944.

VPA. T.C.
4/8-.

No.5660/36-El. 133 Public Works Department,
Bombay Castle, 16th May 1944.

To

The Electrical Engineer to Government.

Subject: Purchase of the Hubli Electrical Undertaking.

Reference: Correspondence ending with your No.LRM 11/565, dated the 5th May 1944.

2. The cost of the purchase of the Hubli Electrical undertaking and the expenditure involved in the appointment of Mr.C.M.B.Mersh, retired Electrical Adviser to the Government of Central Provinces, to find out the valuation of the undertaking should be debited to the head '81-A- Capital Outlay on Electric Schemes'.

3. You are authorised to make payment to Mr.Mersh on his presentation of the bill in anticipation of allotment of funds.

By order of the Governor of Bombay,

R.H.Hammett,
Secretary to the Government of Bombay,
Public Works Department.

Copy to -

the Finance Department, with reference to this Department endorsements Nos.5660/36-El, dated the 25th April 1944 and the 1st May 1944.

the Accountant General, Bombay (through the Finance Department) with reference to Government Letter No.5660/36-El, dated the 25th April 1944 and Government endorsement No.5660/36-El, dated th 1st May 1944.

No. 976 of 1944. P.W.D.Offices, Churchgate Street, Fort, Bombay, 18th June 1944.

Letter.

To

The Secretary to Government,
Public Works Department, Bombay.

Re:- Purchase of the Hubli Electricity Undertaking.

Reference Government, Public Works Department, Letter No.5660/36-El. dated the 10th May 1944.

An estimate amounting to Rs.4,232/- for the work of assessing the valuation of the Hubli Electric Undertaking, in accordance with the provisions of section 5 of the Indian Electricity Act, 1910, carried out by Mr.C.H.B.Hersh, retired Electrical Adviser to the Government of Central Provinces and Berar, is forwarded herewith for according administrative approval and allotment of funds to the extent of Rs.3,232/-.

Payment of the above amount has already been made to Mr.Hersh.

Electrical Engineer to Govt.

Encl: 1 Estimate.

I.

566/36
14941.

El: Bra.

Submitted.

2. The main file is under n.o.r. 6 the El. Engr. to Govt.

3. The terms of the appt of Mr. Mersh to fetch out the instruction of the Nairobi El. undertaking were approved by Govt. and the El. Engr. to Govt. was authorised to make payment accordingly to Mr. Mersh on his presentation of the bill in anticipation of allotment of funds. In the circumstances the necessity of according administrative approval

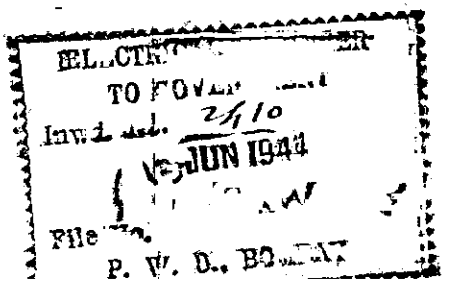
El.13 1/6

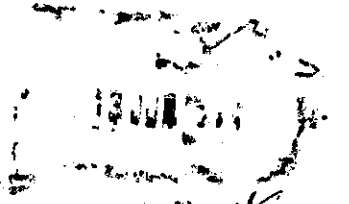
PUBLIC WORKS DEPARTMENT
File No 566/36
1.
Serial No. 14941.

~~J 66736~~
14941.

approval to the estimate is not clear.
The El. Engr. to Govt. may be requested
u.o. to elucidate the point. We will
also kindly expedite the return of the
main file.

10.6.44.





U.O.N. to the El. Engr. to Govt. dt 12th June 1944.

Returned, with compliments.

2. Payment to Mr.Mersh for his valuation was made by the Executive Engineer, Electrical Division, on the authority of Government, Public Works Department, letter No.5660/36-El. dated the 16th May 1944, on his presentation of the bill, before the estimate was prepared. As the expenditure involved in his appointment is to be debited to the head "81-A - Capital Outlay on Electricity Schemes", the necessary estimate for the work has been prepared by the Executive Engineer, Electrical Division, and it is now to be formally administratively approved by Government.

Electrical Engineer to Govt.

U.O.R.to Govt.in the P.W.D.
No. Revised 1248 dated 19 14th June 1944.

El. Br. 2/6

PUBLIC WORKS DEPARTMENT
No. 5660/36
19. JUN.
Record No. 16842

P.W.D.

1. Dra.

Submitted with ref. to the O.N. matter.

2. The A.G. may be requested v.o. to advise whether in the circumstances mentioned

5660/36
16844.

mentioned in the previous O.N. it is necessary to accord formal administrative approval to the estimate submitted by the El. Engr. to Govt.

Pt III
61.

22.6.44.

22/6/44.

L
D.O.v. to the A.G., Bombay. dt 23 June 1944.

Accountant General's Office,
Bombay.

Returned to Government in the P.W.Deptt, Bombay.

2. The estimate for assessing the valuation of the Hubli Electric undertaking, prepared by the Executive Engineer, Electrical Division will probably form part of the project viz. the Hubli Electric undertaking, the estimate for which is yet to be prepared. If so, no separate approval to the estimate under reference is necessary.

3. The major head under which the estimate is required to classified, should be "31.A

560 /
195.5[illegible]

" 31-a Capital outlay on Electricity Scheme" and not
" 31-Capital account of Civil Works etc." . The Electrical
~~Executive~~ Engineer to Government may be requested
to correct the classification accordingly.

A.A.G. 14/7

U.O.R. to Govt.P.W.D.Bombay.

No.P.W.III.69 dated July 1944.

4670
15 AU[illegible]

14 AUG [illegible]

El. Br.

P.W.D.

Submitted with reference to the
O.M. of the 22.6.44.

2. The papers may be returned O.M. to
the El. Engr to ~~enquire~~ for remarks
with reference to para 2 of the A.G's
note. He may also be requested
to ~~make~~ the correction noted
to in para 3 of the A.G's note.

7/8/44

7/8/44

U.O.R. to the El. Engr. to Govt. of 11th Aug. 1944.

[illegible] 15/-

[illegible] No. 5660/36
J. [illegible]
[illegible] No. 1957

Below W.C.R.No.5360/36/[illegible] of
the [illegible] Government
in the Public [illegible] Department, Railway.

W. SRm 11
2219
[illegible]/15/47 [illegible].

Re [illegible] with application.

1. [illegible]

2. [illegible]

Electric Engineer [illegible] Govt.

5660/36
22361.

El. Bra.

Submitted with ref. to the O.N. written.

2. In view of para. 2 of the El. Engr's U.O.N. overleaf the receipt of the Project estimate may be awaited.

16.8.44.

19/8/44

El. Br. 15/8

PUBLIC WORKS DEPARTMENT
File No. 5660/36
15. AUG.
SECTION 22361

31/8

No.L.Rm-11/ 2042 143 P.W.D.Offices, Churchgate St Fort, Bombay 31st July 1945.

To

The Secretary to Government,
Public Works Department,
Bombay.

Re:-Assessing the valuation of the Hubli Electric Undertaking.

Ref:-This office letter No.L.Rm-11/-976 dated the 1st June 1944.

As it was decided vide this office endorsement No.L.Rm.11/2219 dated the 15th August 1944 to include the amount of Rs.4310/- on account of the above-mentioned work in the project estimate for purchasing the Hubli Electric Undertaking, it was not considered necessary to have separate Government administrative approval to the above work. Since, however, it will take a considerable time to prepare the project estimate and since the Accountant General, Bombay has taken objection to the expenditure incurred on the above-mentioned work for want of sanction to the estimate, I request that Government may be pleased to accord their administrative approval to the estimate amounting to Rs.4310/- for the above work forwarded with this office letter referred to above at an early date.

Electrical Engineer to Govt.

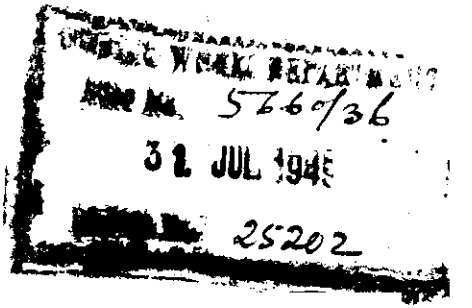
5660/36/25202.

El. Br. (1)

Mr. C.M.B. Mersh, retd. Elecl.

Adviser to the Govt. of C.P. & Berar, was appointed for assessing the value of the Hubli Ely. undertaking on a lump sum fee of Rs. 3,000/- plus his actual first class fare to Hubli & back and Rs. 7 per day — vide, G.L. No. 5660/36-El., d. the 25-4-45. The El. Engr. to Govt. was authorised to make payment to Mr. Mersh on his presentation of the bill in anticipation of allotment of funds — vide, G.L. No. 5660/36-El., d. th

El B I 1/8.



d. the 16-5-44. The El. Engr., subsequently, forwarded an estimate amounting to Rs. 4,310/- for the work in question, for according administrative approval, & allotment of funds to the extent of Rs. 3,232/- already paid to Mrs. Mersh — vide, the El. Engr's. letter, d. the 1-6-44. p. 3

The necy. allotments of funds were sanctioned last year in the supplementary grant. The question of according adm. approval to the above estimate was discussed with the A.G., Bombay, who stated that the estimate in question would form part of the project viz. purchase of the Hubli Ely. undertaking and hence no separate adm. approval to the

estimate —

5660/36/25202.

146

estimate was necy. — vide A.G.'s cor. dt. the 14-7-44. pp 7-8 p. 11 In his letter within, the El. Engr. to Govt. now states that since it will take considerable time to prepare the project estimate and since the A.G., B'bay, has objected to the expenditure incurred on the above work for want of sanction to the estimate, adm. approval to the estimate amounting to Rs. 4310/- for the above work may be accorded. The El. Engr's. request may be accepted and the draft, put up for approval, may issue after pp 15 16 cor. to the F.D.

Thro. A.B. & EBCb.

8-8-45.

10.VIII.45

7-8-45 p. 18

10.

~~IE~~ 147 5660/36/25202.

NO. 5660/36-El. cls. P. W. D.

B.C., 21st August, 1945.

To

The El. Engr. to Govt.

Sub:- Assessing the valuation of the Hubli Electricity undertaking.

Ref:- Your letter NO. LRM-II/2042, dated the 31-7-45. p. 11

2. Administrative approval is accorded to the enclosed estimate of Rs. 4,310/- for the work of assessing the valuation of the Hubli Ely. undertaking, carried out by mr. C.M.B. Mersh, retd. El. Adviser to the Govt. of C.P. & Berar, under the head "81-A-Capital outlay on Ely. Schemes." pp 1-2

By Order etc.

DA- pp 1-2
Estimate ~~not to~~

5660/36/25202.

Copy, with copy of El. Engr. to Govt's. letter, and the A.G., Bbay, x refd. to, forwarded to the F.D. w.r.t. G.L.NO. 5660/36-El, d. the 16-5-44.

Copy to the Ex. Engr., El. Dn., for inform.

x Copy at the Commencement.

ISSUED with encl.

FINANCE DEPARTMENT
File No. 13/8/45
Special No

Brought into use after authentication by the Finance Department.
Notes recorded with this Department can be seen when required.

NBS. 8-8-45.

CH 10.VIII.45

serial no. 11/8

n.o. of F.D. dt 13-8-45

n.o. EE Br. (E) 15/8

Fin. Dept.

The P.W.D. proposal may be agreed to.

A.C. 14-8-45.

CH 14/8

WORKS BRANCH
5660/36
15. AUG. 1945
27114.

n.o. 1 to P.W.D. dt. 14-8-45. mm 3

W.O.(H) 15-8-45 A.S.

~~17~~ 149 5660/36/27114

El. Br. (1)

~~183.~~
18-8-45.

The draft, within, may now issue. 1st 15-16

18/8/45

S.A.S.

same letter sent to
on Feb 15-16.
20/18

File

IN THE HIGH COURT OF JUDICATURE AT BOMBAY -
Ordinary Original Civil Jurisdiction.
Suit No.1335 of 1944.

The Hubli Electricity Company Limited — Plaintiffs.

vs.

The Province of Bombay — Defendant.

I, RAY MECHELTREE BARRETT of Bombay European Inhabitant, Secretary to the Government of Bombay, Public Works Departm do hereby make oath and say as follows:-

1. The order dated the 3rd of May 1944 a copy of which is annexed as Ex. "H" to the plaint was made by the Government of Bombay under Rule 81(3) of the Defence of India Rules, because it appeared to the Provincial Government that in the interest of the efficient prosecution of the war and for maintaining supplies and services essential to the life of the community it was necessary to exercise control over the undertaking in question, pending completion of the purchase of the said undertaking.

2. I deny that the order was issued by the defendant as a cloak to achieve its object of wrongfully taking over the undertaking of the plaintiffs, or that the order was made with the object of preventing the plaintiffs from filing any suit.

3. I deny that the said order was not made in good faith, or that the powers under the Defence of India Act and the Rules made thereunder were used by the defendant wrongfully to the detriment of the plaintiffs. I deny that the defend abused the provisions of the Defence of India Act or the Rules made thereunder.

4. I deny that the defendant has been trying to frustrate

the plaintiff company in any intended suit in any way.

6. The substance of the order mentioned in para 7 of the affidavit of Mr. B.I. Amte affirmed on 3rd November 1944 has not been correctly set out in the said paragraph. The said order was made on 30th March 1944. A copy of the said order is hereto annexed and marked "A". I crave leave to refer to the said order when produced.

Sworn at Bombay aforesaid)
this 22nd day of November 1944)

Before me,

Scott. Hunter
Associate.

First look at the Petition to see if grounds are made out to the satisfaction of the Court for the issue of the writ.

File with W.P.
25/4 [illegible]

HIGH COURT ORIGINAL SIDE
File No 5660/36
24 APR 1945
Exhibit No. 13609

El.Br.(I). Copy + 153 P. W. Deptt. 5660/36

Submitted.

2. The following cases regarding the Hubli Electric Supply are under u.o. reference to the Solrs.to Govt. since the dates shown against them. ——

A File No.	Date of U.O. reference.
(i) 5660/36/21956 regarding:- Accommodation of staff.	11-8-1944.
(ii) 5660/36/13369 regarding:- Municipal Octroi Duty.	26-4-1945.
(iii) 5660/36/13797 regarding:- Payment of Bills for switch gears supplied by ~~the~~ F & C. Osler Ltd.passed on by the El.Engr.to the Solrs.	19-5-1945.
(iv) 5660/36/41348 regarding: Staff quarters and show rooms ~~sent U.O.~~ B	21-12-1945.

2. The Solrs.to Govt. may be requested to expedite the return of these cases with their remarks.

VPA 26/1-. SVB 26.1.46

(Solicitors should have been expedited in proper time. Why this was not done? SVB

U.O. to Solicitors to Govt. & 28-1-1946 28/1/46

2

154

El. Br (I).

P.W.D.

Resubmitted with reference to the S.A. query overleaf.

2. Though no official reminders were sent to the solicitors to expedite they were informally requested from time to time for the return of the cases. Only yesterday an informal enquiry was made with them & they have stated that the cases would be returned to us with their remarks in a week or so. The solicitors will be reminded officially in the matter on the 14th. if necessary.

8/12/46

Informal requests for cases long overdue are of no avail. ✓
Note for future. 8/12/46

Notice Sir
41
8/12/46.

1515 5660/36

Public Works Department.

El.Br.(I).

The attention of the Solicitors to Govt. is invited to this Deptt. u.o.r. dated the 28th January 1946, expediting for the early return of the following files in connection with the Hubli Electric Undertaking.

a (i) 5660/36/21956 re. Accommodation of staff.
(ii) 5660/36/13369 re. Municipal Octroi Duty.
(iii) 5660/36/13797 re. Payment of Bills for switch gears supplied by F.& C. Osler, Ltd. passed on by the El.Engr. to Govt. to the Solrs.
(iv) 5660/36/41348 re. Staff quarters and show rooms. b.

2. The Solicitors are requested to return the files in question, with their remarks, as early as possible.

Id/-
14-2-46.

D.N.D(aruwala)
14-2-46.

u.o. to the Solicitors to Govt., dated 19th Feb. 1946.

GD/16/2/46.

1512

Issued 19-2-46

5660/36

P. W. D.

El.Br.(I)

The attention of the Solicitors to Govt. is invited to this Deptt. u.o.rs. dated the 28th Jany. and 19th Feby. 1946, expediting for the early retur of the following files in connection with the Hubli Electricity Undertaking and they are requested to state when the return of these files with their remarks may be expected:-

(i) 5660/36/21256 re: Accommodation of staff.
(ii) 5660/36/13869 re: Municipal Octroi Duty.
(iii) 5660/36/13797 re: Payment of Bills for switch gears supplied by F.& C.Oelar, Ltd., passed on by the Elect. Engr. to Govt. to the Solicitors.
(iv) 5660/36/41548 re: Staff quarters & show rooms.

Agreed 29-3-46 GJP. 27/3

SB 27-3-46

Sol. D.N.D.

U.O. to Solicitors to Govt. dt 29-3-46

5660/36/6158

158

El.Br.(I).

Resubmitted.

2. It has been ascertained from the office of the Solrs. to Govt. that the cases pending with them would be returned shortly with their remarks thereon. However, if appd., the Solrs. may be expedited as per note put up for appl,

Yes.

28/4/46

2 copy

159

5660/36

Public Works Department.

El.Br.(I).

The attention of the Solicitors to Govt. is invited to this Deptt. u.o.rs., dated the 28th Jany., 19th Feby. and 29th March 1946, expediting for the early return of the following files in connection with the Hubli Electricity Undertaking and they are requested to state when the return of those files with their remarks may be expected:-

(i) 5660/36/21956 re: Accommodation of staff.
(ii) 5660/36/13369 re: Municipal Octroi Duty.
(iii) 5660/36/13797 re: Payment of bills for switch gears supplied by F.&C.Osler, Ltd., passed on by the Elecl.Engr. to Govt. to the Solicitors.
(iv) 5660/36/41348 re: Staff quarters & Show rooms.
(v) 5660/36/1183 re: -do- -do- sent on 11th Jany. 1946.
(vi) 5660/36/2499 re: -do- -do- sent on 21st Jany. 1946.

Id/D.N.D(aruwala)
23-4-46.

the
U.O.to Solrs. to Govt., dated the 26th April 1946.

evs

124/4. issued 26-4-46

5660/26

160

KE. Br.(1)

~~Submitted.~~

2. The six cases refs. to overpage have since been recd. Of these, three refs. (no expln.) may now be recorded.

Destroy.

SJB
28.V.46

DNB
28/5/46

Hubli Electric Supply Undertaking:
Opening of Revenue Accounts for the --

GOVERNMENT OF BOMBAY.
Public Works Department.
Resolution No.5660/36.
Bombay Castle,15th May 1946.

Read paragraph 3 of Government Resolution No.5660/36, dated the 21st January 1946.

RESOLUTION: Government is pleased to direct that, with effect from the year 1946-47, Revenue Accounts should be opended in respect of the Hubli Electric Supply Undertaking under the major head "XLI- Receipts from Electricity Schemes- I- Hydro Electric Schemes" and the revenue receipts classified as "Gross receipts" and the maintenance charges as "Deduct-working expenses".

2. The provisions of Rs.78,900 for maintenance, Rs.1100 for Tools and Plant(Special) and Rs.60,000 under "Deduct,working expenses" made in the current year's Budget under the head "81-A Capital outlay on Electricity Schemes" should not accordingly be operated on but should be surrendered to Government in due course.

3. Expenditure to the extent of Rs.78,900 on maintenance and repairs and Rs.1100 for Tools and Plant(Special) is authorised during the current year under the head "XLI- Receipts from Electricity schemes- Deduct working Expenses". The exact amount required under each item should be reported to Government in due course, when orders regarding the source will be issued.

By order of the Governor of Bombay,

G. N. Pandit,
Deputy Secretary to Government.

To

The Finance Department.
The Electrical Engineer to Government.
The Accountant General, Bombay (through the Finance Department).
The Executive Engineer, Electrical Division.

No. of 1946.

Copy forwarded for information and guidance to.

No. LRM.11/ 277 of 1945. P.W.D. Offices, Churchgate Street, Fort, Bombay, 16th April 1945.

Letter.

To

The Secretary to Government,
Public Works Department, Bombay.

Subject:- Hubli Electric Undertaking:
Maintenance, etc. during the year 1944-45.

Reference: This office letter No.LRM.11/5116 dated the 20th March 1945, and Government, Public Works Department, letters No.5660/36-A dated the 24th March 1945, and 29th March 1945.

In view of the fact that no project estimate for the above undertaking has been prepared and got approved administratively by Government and as the expenditure incurred in connection with the maintenance etc. during the year 1944-45 is to be debited to a new major head of accounts, viz.81-A, Capital Outlay on Electricity Schemes, the following three estimates amounting to Rs.39,157/- in the aggregate are prepared by the Executive Engineer Electrical Division, and it is requested that Government may be pleased to accord their formal approval to the same:-

1. Maintenance of the electric supply at Hubli .. Rs.19,670.
2. Running the Electric supply at Hubli Rs.18,642.
3. Providing for the Tools & Plant and repairs and carriage at Hubli. .. Rs. 845

Rs.39,157.

Electrical Engineer to Gov

5660/36/12675

(R. Fr)

164

submitted.

2. If the estimates submitted by the Chief Engr. & Supt. with his letter of even date are found to be in order, the necessary administrative approval may be accorded to them after ref. to the F.D.

Thro. [illegible] & A.C. (P&O)

21/4/45.

21/4/45

21/4/45

The estimates are in order

21/4/45

There are certain points which should be cleared by Chief Engr. Colaba. Why Chief Engr. Colaba has not been consulted by the Executive Engr. Bandra in this case.

23/4/45

5660/36

7. APR 19[illegible]

12675

(El Engr)

165 ~~25~~ 5660/36/12675

Reminded with reference to Chief Engr's note of the 23-4-45.

Dno. ~~Home~~ 85(A06))

23/4/45

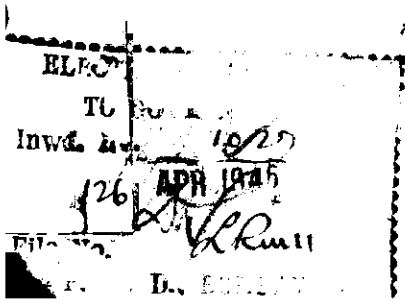
The matter may be referred to the El. Engr. by Govt. for giving reasons for providing contingencies.

27.5% D.A. & H.R. charges are worked on. The workers come in the category of Contributions and not under P.W.D. heads.

23/4/45.

CB 24.IV.45

U.O.R. to the El. Engr. to Govt. dt 25-4-45.



167 145

Below U.O.R.No.5660/36/12675 dated the 25th April 1945, from Government in the Public Works Department, Bombay.

L Rev II

No. 962 of 1945.

Bombay, 31st May 1945.

Returned, with compliments.

2. Fresh Estimates prepared on the basis of the actual expenditure incurred on the respective works during the financial year 1944-45 are enclosed.

3. In addition to the above, an expenditure of Rs.209/2/- has been incurred during the last financial year on account of travelling allowance and daily allowance to the witnesses summoned to give evidence in connection with the suits filed by the Hubli Electricity Co.Ltd. against Government, and the same has been debited to the suspense head "Miscellaneous P.W.Advances", pending instructions from Government.

Electrical Engineer to Govt.

5660/36/1688

Sec. Br. (1)

FINANCE DEPARTMENT
File No.
13-6-45
Serial No.

Enclosed with reference to the foregoing pp 22-23 Notes.

2. If the revised estimates enclosed by the Secy. to Govt. are in order the necessary administrative approval may be accorded to them after conc. of the FD.

× attached to the pocket sheet

Sd/- Illegible
2/6/45

× Only representative of para. 3 of the Sec. Br. Engr.

3 The expdtre of Rs 209/2 refd. to in para 3 of the Sec. Engrs UO. is debitable to the head "Estbt- Allowances". The FD to the head may be requested kindly to confirm. the view.

Sd/- Illegible
Sec. Br. I 31/5

PUBLIC WORKS DEPARTMENT
File No. 5660/36
31 MAY 1945
No. 1688

Sd/- Illegible
5-6-45

The estimates are in order

Sd/- Illegible
8/6/45

May be sanctioned

U.O.R. to the F.D. dated 5/6/45
re 13-6-45.

(El Engr)

165 ~~25~~ 5660/36/12675

Resubmitted with reference to Govt. note of the 23-4-45.

Memo. ~~from~~ of (ROO)

23/4/45

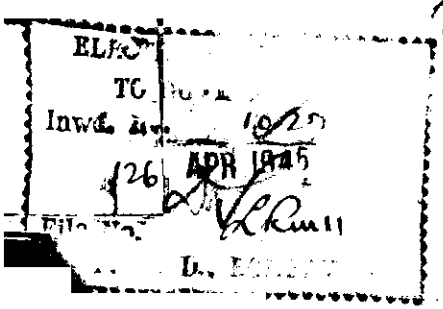
The matter may be referred to the El. Engr. by Govt. for giving reasons for providing contingencies.

27.5 % P & P & El. charges are made on the works coming in the category of Contributions works & not under P.W.D. Code

23/4/45.

24.IV.45

U.O.R. to the El. Engr. to Govt. dt 25-4-45



Finance Department (D).

The proposal made by the P.W.D. may be agreed to.

2. With reference to para.3 of its note dated 8-6-1945, the P.W.D. may be informed that the presumption made by that Deptt. i correct.

S.N.T. 18.6.45

18/6/45

21/6

21-6-45 U.O.S. 16 P.W.D. dated 22.6.45.

Regd. L. P.F. Returned N.T. 22.6.45.

• Ref (1)

Transmitted with reference to the note within.

27/6/45

28-6-45

No. 5660/36 EE(1)

1911 — 29 5660/36/206

6th P.W.D.

A.C. ~~June~~ July 1945

To

The Electrical Engineer to Govt.

Reference: your letter No. LRM II/277 dated 16-4-45 & memo no. LRM II/962 dated 31-5-45.

2. The estimates for the works noted below, as subsequently revised, amounting to Rs. 27,687 are approved administratively:—

(i) Maintenance of the Electric Supply at Hubli during the year 1944-45. Rs. 14,981

(ii) Running the Electric Supply at Hubli during the year 1944-45 Rs. 11,948.

(iii)

5860/36/20642

(III) Providing for the T. & P. & repairs and carriage at Hubli during the year 1944-45 Rs. 757

27.686

3. The expdre. of Rs. 20.9-2-0 refd. to in para 3 of your No. LRM 11/96.2, dated the 31-5-45, shd. be debited to '81-A - Capital outlay on Electricity Schemes - Estabt. - Allowances'.

By order etc.,

Copy. with copies of the letter and Order referred to, forwarded to

The A.G.

The A.G., Bombay

The Ex: Engr., Hubli Divn (with the estimate)

ISSUED with Dy. No. ... dated 7/7/45

No.L.Rm.11/ 1492

P.W.D.Offices, Churchgate St.,
Fort, Bombay, 6th July 1945.

To

The Secretary to Govt., Public Works Department,
Bombay.

Subject:- Estimate for the maintenance of Hubli Electric Supply during the year 1944-45.
Reference:- This office endorsement No.L.Rm.11/962dated the 31st May 1945.

As per instructions from the Accountant General, Bombay to the Executive Engineer, Electrical Division, Bombay, a consolidated estimate amounting to Rs.27686/- for the maintenance of the Electric Supply at Hubli for the year 1944-45 is enclosed for according administrative approval of Govt. to the same. The three separate estimates forwarded to Govt. with this office endorsement referred to above will be treated as sub-estimates under the consolidated estimate.

The estimate will be technically sanctioned by me on receipt of administrative approval of Government.

Electrical Engineer to Govt.

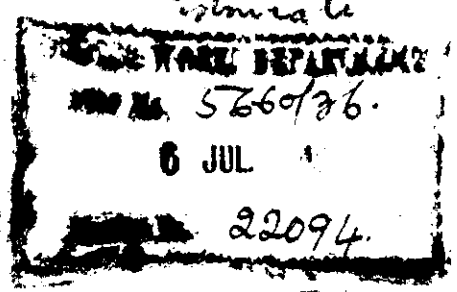
Encl.1 estimate.

5660/26/No 4
QCM(1)

Forwarded with a draft for approval.
Thro AR (Ross)

12/7/45
13/7/45

QLB 6/7.
Estimate



No 5660/36 EC (1)

To

The Electrical Engineer to Govt.

Subject: Estimate for the maintenance of Hubli Electric Supply during the year 1944-45.

References: GR. No. 5660/36 EC (1), d. the 6-7-45, and your letter No. LRM 11/1492 of the 6-7-45.

2. The consolidated estimate amounting to Rs. 27,688 for the maintenance of the Electric Supply at Hubli during the year 1944-45 is approved administratively.

By order &c
for Sec. to Govt.

Copy, with a copy of the letter replied to, to
The A.D.
The A.S., Bombay.
The Ex-Engr., Elec. Sion (with the estimate)

Issued as slip
10/7/45

12/7/45

cc: (2)

14/7/45

No. 2044 of 1945.

P.W.D.Offices, Churchgate Street,
Fort, Bombay, 31st July 1945.

Letter.
To

The Secretary to Government,
Public Works Department, Bombay.

Re:- Estimate for the maintenance of the Hubli Electric Supply during the year 1944-45.

Reference: Government, Public Works Department, letter No.5660/36-El(I) dated the 17th July 1945.

2. An expenditure of Rs.1652/- incurred during the year 1944 45 on the office establishment such as the pay of the Head Clerk Cashier, etc. was debited to the head "Establishment Contingencies", as there was no specific provision for the same under "Establishment". The Accountant General, Bombay, however, took objection to the same and suggested that the expenditure should be debited to the maintenance and running of the undertaking. The above expenditure, viz.1,652/-, was, therefore, adjusted accordingly by the Executive Engineer, Electrical Division, in the final accounts of March II Supplementary in the month of July 1945. Owing to this adjustment, the expenditure on the maintenance and running of the undertaking has exceeded the esti mated cost thereof and, consequently, the consolidated estimate, viz. Rs.27,686/-, has also been exceeded by Rs.1,652/-. In order to regularise the excess over the estimate, a modified estimate amounting to Rs.29,338/- has now been framed amd forwarded herewith for according administrative approval. The estimate will b sanctioned technically by the undersigned on its receipt.

Electrical Engineer to Govt

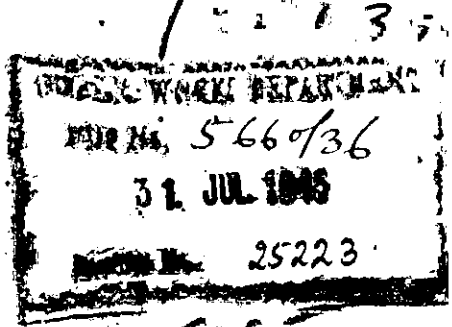
P.

5660/36/25223.

El. Br. (1).

A consolidated estimate amount-
ing to Rs. 27,686/- was approved
administratively for the maintenance
of the El. Supply at Hubli during
1944-45 — vide, G.L. No. 5660/36-El.(1),
d. the 17-7-45. For the reasons stated
in his letter, within, the El. Engr. to
Govt. debited the expenditure of Rs. 1652/-
incurred during 1944-45 on the Office
establishment, to the maintenance &
running of the undertaking, the
consolidated estimate, refd. to,
being exceeded thereby by Rs. 1652.
In order to regularise the excess
over the approved estimate, the

El. Engr.—



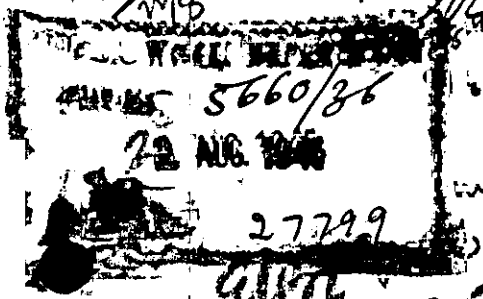
179 5660/36/25223

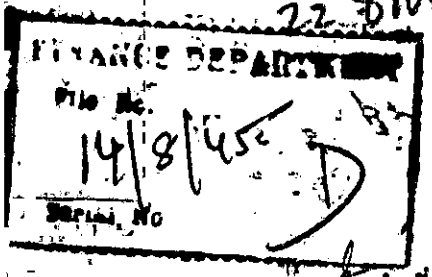
El. Engr. to Govt. now forwards a modified
Tdp 35-46 WA
estimate of Rs. 29,338 (Rs. 27686 + Rs. 1652) for according administrative approval. The revised estimate of Rs. 29,338 may be approved administratively after recr. to the F.D.

(13-8-45) × W.A. Eo portion raised A on p 477

ABS. 8-8-45.

Thro. EB(ii), AB. & AE.(R&B.)





U.O. to F.D. 14-8-45

p. 33 ante

Min. Dept.

M. see G.I., P.W.D. No. 5660/36-EL(1) dt. 17-7-45. The P.W.D. proposal may be agreed to.

21-8-45.

U.O. to A.P. Wkg. dtd 21-8-45.

5660/36/27799.

NO.5660/36-El.(1)

P. W. D.

B.C. August 1945.

To

The Electrical Engr. to Govt.

Sub:— Estimate for the maintenance of the Hubli Electric Supply during the year 1944-45.

Ref:— Your letter No. LRM/11/2044, d. the 31-7-1945.

2. The revised consolidated estimate amounting to Rs. 29,338/— for the maintenance of the Electric Supply at Hubli, during the year 1944-45, is approved administratively.

DA.— Nil.

By order etc.

Copy, with copy of the letter refd. to, forwarded to

the F. D.,
the A.G., B'bay,
the El. Engr., El. Dn. (with the estimate)

for information w.r.t. G.L.NO.5660/36-El.(1), d. the 17-7-45.

24-8-45.

27/8/45

24/8/45

20/8/45

File 119

No. LRM.11/ 2938 of 1945.

P.W.D. Offices, Churchgate Street,
Fort, Bombay, / 1st ~~September~~ October 1945.

Letter.
To

The Secretary to Government,
Public Works Department, Bombay.

Re:- Estimate for the maintenance and running of the Hubli Electric Supply for the year 1945-46.

Reference: Government letter, Public Works Department, No.5660/36-El.(I) dated the 17th July 1945.

2. A consolidated estimate amounting to Rs.50,038/- for maintaining and running the electric supply at Hubli during the current financial year is forwarded herewith for according administrative approval of Government to the same and allotment of funds at an early date.

3. The estimate will be technically sanctioned by me on receipt of administrative approval of Government.

Electrical Engineer to Govt.

Encl: 1 Estimate with accompaniments.

P.

5660/36/32437.

El. Br. (1):

If the consolidated estimate* amounting to Rs. 50,038/- submitted by the El. Engr. to Govt. with his letter overleaf is found to be in order, the necy. administrative approval may be accorded to it after u/o. to the F.D.

* At the Commencement.

NB3
4-10-45.

Thro' AB. & A.E. (R&B)

A.B.

2. An expenditure to the extent of Secy. (9) Rs. ~~50,038~~ 50,000 (in round figures) may be authorized in u/o consultation with the F.D.

Rs. 2/0.

U/o to F.D.

4/10/45

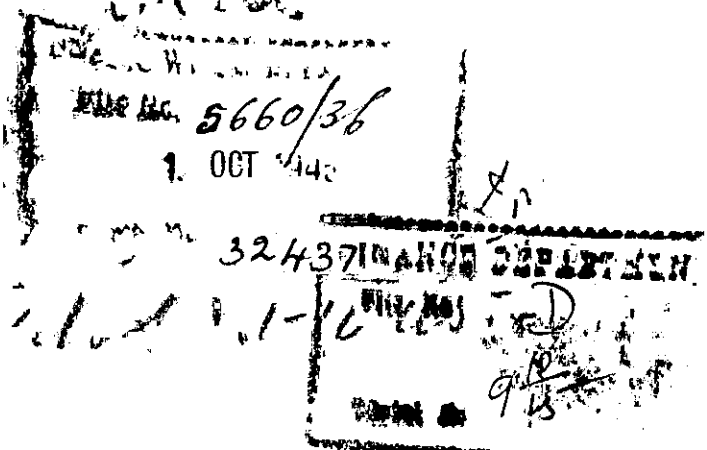
The estimate is in order.

4/10/45

✓

U.O. to F.D. 8 hrs 9-10-45

8/10/45



~~53~~ 183 Finance Deptt.

D.

The P.W.D. proposal to accord administrative approval for the estimate amounting to Rs. 50,038/- to meet the cost of maintaining and running The Hubli Electric Supply during the year 1945-46, may be agreed to.

Memo sent 11/10

The E. 11/10/45 — 2

D.S. (Budget).

The P.W.D. has raised separately the question whether or not the expenditure on maintenance and repairs pertaining to the Hubli Electric Undertaking should be debited to "81-A-Capital Outlay on Electricity Schemes". The pp. in that connection have been referred to the A.G. for advice. The P.W.D. may be requested to apply the decision thereon ~~to this case also~~. The expenditure now approved.

18/10

D.S. (B.)

U.O. to P.W.E. 18-10-45 18/10.

5660/36/34968.

184

El. Br. (1).

Submitted with ref. to the O.N. p.52
d. the 4-10-45.

2. The F.D. having agreed to p.53
this Deptt's. proposal, the draft p.55-56
put up for approval may issue.

3. The papers* refd. to in para p.53
2 of the F.D. note within have not
yet been recd. in this Office. The
A.G. is being expedited separately
in the matter.

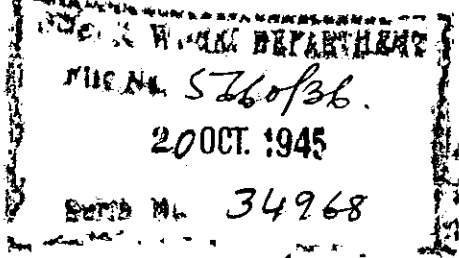
ABS. 26-10-45.

THRO' A.B.

* 56 : 5/36/27856

D.S.

Recd 20/10.



NNB 21/10

DM 21/10

El 5:(1) Deptt

~~55~~ 185 5660/36/34968.

NO. 5660/36-El. Cls

P. W. D.

B.C., 3rd ~~Oct.~~ Nov 1945.

To

The El. Engr. to Govt.

Sub:— Estimate for the maintenance and running of the Hubli El. Supply during the year 1945-46.

Ref:— Your letter NO. LRM/11/2938, d. p.51 the 1-10-45.

2. The consolidated estimate amounting to Rs. 50,038/- for the maintenance and running of the Electric Supply at Hubli, during the year 1945-46, is approved administratively.

3. Expenditure to the extent of

Rs.—

5660/36/34968.

Rs. 50,000/- is authorised. The source will be pointed out in due course.

A

DA: Nil.

By order etc.

Copy, with copy of the letter refd. to, forwarded for information to—

-the F.D.,
-the A.G. Bombay (thro' F.D.).
-the Ex. Engr, El. Dn. (with the estimate).

Orders issued ... with ... partment. ... and ...

Notes rema... be seen w...

To ...

P 317/7/8464 A
30-3-46

No.LRM.11/3678 P.W.D.Offices, Churchgate & Fort, Bombay 21st Novr.1945.

To,

The Secretary to Government,
Public Works Department,
Bombay.

Re:-Technical sanction to the estimate for the maintenance and running of the Hubli Elec. Supply during 1945-46.

Ref:-Government letter Public Works Department p 55 No.5660/36-E1(I) dated 3-11-45.

As the amount of the estimate for the above mentioned work exceeds Rs.50,000/-Government may be pleased to accord technical sanction to the same. The estimate* for the work is enclosed.

Electrical Engineer to Govt.,

Encl:-1 estimate.

* at the Commencement.

5660/36/38888. 5

El. Br. (1) 1 P. W. D.

Submitted.

2. Technical sanction to the estimate for the work in question, asked for by the El. Engrs. to Govt. ~~with~~ in his P 57 letter within may be accorded as per draft put up for approval. pp 59-60

183. 13-12-45.

Thro' A-B & A-E (R&B).

14/12/45

14/12/45

CH 14.XII.45

14/12/45

EL Br I 22

5660/36

21 NOV. 1945

38888

D.S. Secy. (9)

5660/36/38888

No. 5660/36-El.cls

P. W. D.

B.C., 17th Dec. 1945.

To

The El. Engr: to Govt.

Sub:— Estimate for the maintenance and running of the Hubli Electric Supply during the year 1945-46.

Ref:— Your letter No. LRM. II/3678, d. the 21-11-1945. P-57

2. The consolidated estimate amounting to Rs. 50,038/- for the maintenance and running of the Electric Supply at Hubli, during the year 1945-46 is technically sanctioned.

at the commencement.

DA—Nil.

By order etc

5660/36/36886.

190 p 57

Copy, with copy of the letter, ref. to, forwarded for information to —

the F. D.,
the A. G., Bombay,
the Ex. Engr. El. Dn. (with the estimate)

with ref. to G. E. No. 5660/36-El (1), dt. the 3-11-45. p 56

ABB
13-12-45

ISSUED with est-
on 18/12/45 to E. Engr
El Dn.

D. S.
Secy. (I)

14 XII 45

15/12

13/12

64
191

No.2-R.M-11/ 615 of 1946-
P.W.D., Churchgate Street,
Fort, Bombay, 9th May 1946

To

The Secretary to Government,
Public Works Department,
B o m b a y.

Re:- Estimate for the maintenance and running of the Hubli Electric Supply during the year 1946-47.
... 55 64

Reference:- G.L. P.W.D. No.5660/36-El (1) dated the 3rd November 1945.

...

A consolidated estimate amounting to Rs.55,037/- for -- maintaining and running the Electric Supply at Hubli during the current financial year is forwarded herewith for according - administrative approval of Government to the same.

As the amount of the Estimate exceeds 50000/- Government m also be pleased to accord their technical sanction to the same.

A provision of Rs.78900/- for the above work has been made at page 612 of the Civil Budget Estimates for the current financial year and it is requested that funds to the extent of -- Rs.55000/- may please be sanctioned to cover the expenditure on the work.

Electrical Engineer to Govt.

5660/36/17807

El. Br. cls

192

I. P. W. D.

If the consolidated estimate amounting to Rs. 55,037/- submitted by the El. Engr. to Govt. with his letter overleaf, in con. with the maintenance and running of the Public El Supply during the year 1946-47, is found to be in order, the necy. admn. approval and technl. sanction may be accorded to it after usl. to the F. D.

AB 13-5-46 — Thro' A.B. & A.E. (A&B)

AB

2. The Budget grant in question is at the disposal of the Elec. Engr. who has been informed separately accordingly along with other officers. No action is ~~accordingly~~ necessary for allotment of funds in this case. The Elec. Engr. will be informed in the matter. 14/5/46. The estimate amounting to Rs. 55,037/- may be sanctioned generally in order.

FINANCE DEPARTMENT
File No. D. 16.5.46
Serial No. 1.

Secy (P) Sd/- B. W) 16/5 El. Engr.

P. W. D.
File No. 5660/36.

17807

15/5/46

16/5

15/5/46

Finance Deptt-D.

The proposal made by the P.W.D. ma

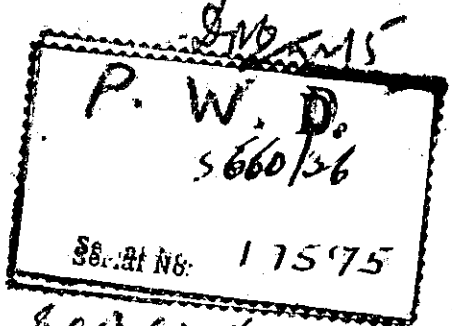
be agreed to.

S.N.T.
18.5.46

Thro G.
S.O. (R.F.) 20.5.46

20/5/46

U.O.T. to P.W.D. dated 21.5.46



5660/36/19575.

194

El. Br. cl.

P. W. D.

Submitted with refce. to
the O.N; d. the 13-5-46. p.62

2. The F.D. having agreed p.63 pp 65-66
to this Depotts. proposal, the draft
post wp may issue, if approd. The
M., P.W.D., need not be troubled with this case.

ABB
15-5-46

Thro.' AB.

25/5/46.

25/5/46

Secy.(I)

No.5660/36-El.(I). P.W.D.,

B.C. 28th May 1946.

To

The El.Engr. to Govt.

Subject:- Estimate for the maintenance and running of the Hubli El.Supply during the year 1946-47.

Reference: Your letter No.LRM.-11/615 d. the 9-5-46. P-61

2. The consolidated estimate amounting to Rs.55,037/- for the maintenance and running of the El. Supply at Hubli during the year 1946-47 is administratively appd. and technically sanctioned.

3. As regards funds, attention is invited to G.R. No. 5660/36, d. the 15-5-46.

4. The estimate should now be classified under the head "XL I - Receipts ~~By order etc.~~ from Electricity Schemes - I - Hydro Elec. Schemes - Deduct Working Exp B.D

D.A.- Nil.

P-61

Copy, with copy of the letter, refd to, forwarded for information to -

the F.D.,
the A.G., Bombay,
the Ex.Engr., El.Dn. (with the estimate).

ABS
25-5-46

VBK.
25/5/46.

ISSUED
On 29/5/46
X 4 with Colombo
C. to Ex Engr El Dn

25/5/46

No.5660/36-El.(I). Public Works Department,
Bombay Castle, 7th June 1946.

From

The Deputy Secretary to the Government of Bomba
Public Works Department.

To

Messrs.The Hublic Electricity Supply Company,
Limited.

Subject: Payment of bills of Messrs.F. and C.
Osler,Limited.

Dear Sirs,

With reference to the enclosed three bills of Messrs. F.and C.Osler,Limited, for the goods supplied to you, I am to state that it is understood that the articles mentioned therein were received by you in December 1943 and out of the 12 M.E.M.Switches,List No.315 K two switches have apparently been used by you for your flour mills. The remaining 34 articles were also apparently purchased for the same purpose. In any case these 34 articles are not required for the electrical undertaking. You are accordingly requested to take the delivery of those articles from the Deputy Engineer, Hubli Electric Supply, Hubli, and to arrange to pay the bills under reference to Messrs.F and C. Osler,Limited, direct.

2. In this connection I am to add that the 34 articles referred to in the preceding paragraph have been included in the valuation list forwarded to you with Government Letter No.5660/36-El. dated 26th March 1945. The purchase offer made in that letter will now accordingly be reduced by the amount of Rs.824-8-0, which is assigned to these articles.

Yours faithfully,

sd. D.N. Darwoala,

for Deputy Secretary to the Government
D.A; 3 Bills. of Bombay, Public Works Department.

Copy forwarded for information to the Electrical Engineer to Government with reference to the correspondence ending with his No.LRM.11/896, dated the 3rd June 1946.

2. Necessary instructions should be issued to the Deputy Engineer, Hubli Electric Supply, to give delivery of the articles in question to Messrs.The Hubli Electricity Company,Limited.

Copy also for information to Messrs.The Little and Company,Solicitors to Government.

F. & C. OSLER, LTD.

(INCORPORATED IN ENGLAND-LIABILITY OF SHAREHOLDERS LIMITED.)

ELECTRICAL ENGINEERS & CONTRACTORS.

TELEGRAMS OSLERCO

JM/RON

NEW QUEEN'S ROAD,

BOMBAY 4, October 20th 194

The Secretary to Government of Bombay,
Public Works Department,
Secretariat,
BOMBAY.

Dear Sir,

We are enclosing in duplicate true copies of our 3 bills Nos.887, 889 & 952 for goods supplied to the instructions of The Hubli Electricity Co.,Ltd. Hubli, from whom we are unable to obtain payment.

According to letters they have addressed to us, they say that your Department took over their concern some time ago pending a High Court enquiry and they cannot therefore remit us the amount due until you raise the restrictions placed on them.

If it is in your power to pass these bills for payment, we will thank you so to do, as in these days of ever increasing demands from the Income Tax authorities, we cannot afford to allow even such a small amount as Rs 856/-/- to be outstanding all these months.

Thanking you in anticipation.

Yours faithfully,
Per Pro F. & C. Osler, Ltd.

Manager

Encls:
Bills Nos.887,889 & 952, in dup:

142-
412
952
856

29111

Acknowledged under No. 5660/36-El.
dated the 25th October 1944.

ISSUED
On. 25/10/44

7386
2 NOV 1944

El B 24/10

3 Bills (1 Corr.)

5660/36
23. OCT. 1944
No. 29111

P.W.D.

submitted.

El B 27/10/44

El B

15 201

TELEPHONE :
26224-5-6

F. & C. OSLER, LTD.

(INCORPORATED IN ENGLAND-LIABILITY OF SHAREHOLDERS LIMITED.)

ELECTRICAL ENGINEERS & CONTRACTORS.

TELEGRAMS :
OSLERCO

JM/RON

NEW QUEEN'S ROAD,

The Asst. Secretary to the Govt. of Bombay, BOMBAY 4, January 8th 1945.
Public Works Dept.
Bombay Castle,
BOMBAY.

Dear Sir,

RE: OUTSTANDINGS AGAINST HUBLI
ELECTRICITY CO:LTD:

b 14 (cadc)

We refer to your letter No.5660/36-E1 of the 25th October 1944 wherein we were advised that the matter of our outstandings was receiving attention.

As we have not yet received any cheque or further communication, we are again addressing you on this matter in the hope that you will be able to issue the necessary instructions to enable us to obtain our dues, which have been outstanding since April last year.

Thanking you in anticipation.

Yours faithfully,
Per Pro F. & C. Osler, Ltd.

Manager

PUBLIC WORKS DEPARTMENT
File No. 5660/36
8. JAN. 1945
Serial No. 825

Below U.O.R.No.5660/36/29111 dated the 30th October 1944 from Government in the Public Works Department, Bombay.

No. 4138 of 1945.

Bombay, 11th Jan. 1945.

Returned with compliments.

2. The materials mentioned in the bills were received by the Hubli Electric Co. Ltd. in December 1943 and out of the 12 M.E.M. switches, List No.315 K. P. switches have apparently been used by the Company for their flour mills. The remaining materials have been included in the list of materials included in the valuation to be paid to the Company, but since these materials are not of any use in connection with the electric supply at Hubli, they may, if approved, be returned to the Hubli Electric Co.Ltd., who should arrange to pay for them. The amount of valuation of the undertaking will have to be reduced by Rs. 824-3-0 if the above proposal is accepted

Electrical Engineer to Govt.

5660/36
1268

~~18~~ 204

M. Br.

P.W.D.

Submitted with reference to the
o.u. on p 14 ante.

2. With reference to the H. Engrs
proposal at 'A' overleaf it is observed
that on the case dealing with the
valuation of the undertaking the
Solicitors to Govt have advised
that certain plants, which were
proposed to be omitted from the
valuation and reduction to the Corp,
should be included in the
offer to be made to the
Corp. The Solicitors & Govt have said
that the above was also the
opinion of the Advocate Genl. They

S & BE 1/1

PUBLIC WORKS DEPARTMENT
No. 5660/36
11. JAN. 1943
No. 1268

J 660/36
126

have therefore been requested to obtain in writing the opinion of the Advocate Genl which is awaited. Further development ~~in the~~ on that case may perhaps be awaited before proceeding further with this case.

GH
23/1/45

22/1/45

Await
23/1

DS (9/12)

V. P. 2000-5-44

TELEGRAMS
"OSLERCO" BOMBAY.

TELEPHONE
NO. 26224

F. & C. OSLER, LTD.

(LIABILITY OF SHAREHOLDERS LIMITED.)
(INCORPORATED IN ENGLAND.)

NEW QUEEN'S ROAD,

BOMBAY, 4, 28/2/ 1945.
10-3

M/s. Hubli Electricity Co Ltd
P. B. No. 93
Hubli

Dear Sirs,

We beg to hand you herewith a Statement (L.24) of your Account with us showing a balance of Rs. 856/— in our favour which we trust you will find in order, and kindly pass for payment at your earliest possible convenience.

We are, Dear Sirs,
Yours faithfully,

For F. & C. OSLER, LTD.

Accountant.

NOTE :—Favour of payment by a Crossed Cheque is requested.

STATEMENT OF ACCOUNT

Messrs. Hubli Electricity Co Ltd

In account with

F. & C. OSLER, LTD.

Date 1914.	PARTICULARS		Debit Rs. as. ps	Credit Rs.. as. ps.
April 11	To Line Rs.	887	246	
		889	192	
14		952	418	
			856	

Dear Sirs,

We will thank you to send per return post either your cheque in full paymont or your reason for with-holding paymont,

Yours faithfully,
Per Pro F. & C. Osler, Ltd

MANAGER.

ectric
tide

Ledger Folio H. 26

E. & O. E.

TELEPHONE
26224-5-6

F. & C. OSLER, LTD.

(INCORPORATED IN ENGLAND - LIABILITY OF SHAREHOLDERS LIMITED.)

ELECTRICAL ENGINEERS & CONTRACTORS.

TELEGRAMS
OSLERCO.

JM/PN.

NEW QUEEN'S ROAD.

The Secretary to the Government of Bombay,
Public Works Department,
Bombay Castle,
B O M B A Y.

BOMBAY 4, 15th March, 1945.

Re: Outstandings against Hubli Electricity Co.Ltd.

Dear Sir,

Our Statement of Account 1.24 on the above concern is enclosed for your reference. We also call your attention to our letters of October 20th 1.13 1944 and January 8th 1.15 1945 and will thank you to please let us know when we will receive the moneys due to us.

Yours faithfully,
Per Pro F. & C. Osler, Ltd.

Manager.

Encl: One.

P.T.C

P. W. D.

El.Branch.

ff. 18-19

Submitted with ref. to the O.N. dated the 22-1-45.

2. The Advocate General's opinion refd. to will be found at pp. 103-104 of file No.5660/36 put up below. For the reasons stated therein, the Advocate General is of opinion that Govt. cannot refuse to take over the plants which are in bad condition. The opinion of the Adv. Genl. has been accepted and the Hubli Electricity Co. Ltd. has been informed, in con. with the option to purchase the Hubli Electricity undertaking which has been exercised by Govt., that Govt. has had the value of the land, bldgs., works, material and plant assessed at Rs.6,76,364/- in accordance with the details given in a statement and that Govt. is prepared to pay that amount to the Co. - vide G.L.No.5660/36-El., dated the 26-3-45. The receipt of a reply from the Co. whether this offer is acceptable to it is awaited.

× file 5660/36 ff. 105-106. & do — ff. 113.

3. The question for consideration in these papers is whether pending completion of the purchase of the undertaking by Govt., the three bills amounting to Rs.856/- of Messrs. F.& C. Osler, Ltd., outstanding against the Hubli Elecy. Co. Ltd. since April 1944, should be paid by Govt.

& ff. 1, 5 + 9 ante

slip R file 5660/36 ff 13 14/5. 4 & 19. ff. 25-26.

Attention is invited to G.L.No.5660/36-El., dated the 23-2-45, to the El.Engr.to Govt., in which the latter has been asked to instruct the Dy.Engr. in charge of the Hubli Electricity undertaking to pay up the Municipal Taxes which has accrued since the undertaking has come under his control, with a clear statement to the effect that the said payment is made by him as Dy.Engr. in charge of the undertaking and without prejudice to Govt.'s right in the matter. Moreover,

in....

PUBLIC WORKS DEPARTMENT
File No. 5660/36.
15. MAR 1945
Serial No. 8744

ff 15/21

5660/36
8744

in consultation with the R.L.A., it has since decided that a bill for Rs.1,215 for the lubricating oil supplied by Messrs. Valvoline Oil Co., Bombay, to the Hubli Elecy. Co. in Feby. 1944, should be paid by Govt. and that the amount representing the cost of oil not taken over from the Hubli Elecy.Co. should be deducted from the amount payable to the Co. for the purchase of the undertaking in due course. The necy. instructions are being issued to the El. Engr.to Govt.

On the analogy of these two cases, there does not seem to be any objection to pay the three bills for Rs.856 of Messrs. W. & C. Osler Ltd. Before proceeding further with this case, the El.Engr.to Govt. may see these papers u.o. for advice.

PRV
6-4-45.

As ctd.

388

12

7/4

n.o. to E.E. to Govt. 7-4-45

213 L.R.26-27

Below U.O.R.No.5660/36/8744 dated the 7th April 1945, from Government in the Public Works Department.

No. LRM.11/ 213 of 1945.

Bombay, 12th April 1945.

Returned, with compliments.

2. I do not agree with the Secretariat office note, portion marked "A", on page 27 ante, as the materials referred to in the bills are not required for the purpose of the electrical undertaking and were apparently purchased by the Hubli Electricity Co.Ltd. for being used for their flour mills, vide my remarks on page 17 ante. The Company may, therefore, be asked to take delivery of the materials in question from the Deputy Engineer, Hubli Electric Supply, Hubli, and arrange to pay the bills under reference direct.

Electrical Engineer to Govt.

5660/36
12092

~~20~~ 214

El. Br.

P.W.D.

Submitted with ref. to
the O.M., pp. 26-27 dated the 6-4-45.

2. Attention is invited to—
(1) the El. Engr. to Govt's note, p. 17
dated the 11-1-45;
(2) the statement* giving
details of the valuation
of the Hubli El. Undertaking
sent to the Hubli Ely. Co.,
Ltd. with G.L. No.
5660/36-El, dated the 26-3-45.

* also R (copy) — pp. 3-4.
& —do— pp. 1-2. El B 12/4

5660/36
12092

and

5660/36
1209.2
1.29

(3) the El. Engr. to Govt's note, dated the 12-4-45.

It is not clear whether all the materials refd. to in the three bills amounting to Rs. 856/- of Messrs. J. & C. Osler, Ltd., are included in that valuation. Presumably they are; but, before taking the necy. further action in this case, the El. Engr. to Govt. may be requested n.o. kindly to confirm the above presumption.

ORD.
21-4-45.

U.O.R. to the El. Engr. to Govt. dated 24-4-45.

TO GOVERNMENT
Inwd. No. 10772
APR 1945
P. W. D., BOMBAY

5660/36
12092

No. 5159 27-4-45

Returned, with compliments.

2. Out of the materials mentioned in the three bills, only 2 M.E.M. switches, list 315 K., were apparently used by the company before Government took over control of the undertaking, and the remaining 34 articles were included in the valuation list of stores.

Electrical Engineer to Govt.

5660/36.

13973.

TELEPHONE
26224-5-6

F. & C. OSLER, LTD.

TELEGRAMS
OSLERCO

(INCORPORATED IN ENGLAND - LIABILITY OF SHAREHOLDERS LIMITED.)

ELECTRICAL ENGINEERS & CONTRACTORS.

NEW QUEEN'S ROAD,
BOMBAY 4.

JM/RON

BOMBAY 4, April 25th 1945.

The Secretary to the Govt. of Bombay,
Public Works Dept.
Bombay Castle,
BOMBAY.

Dear Sir,

Re: Outstandings against
Hubli Electricity Co.Ld.

In the "Times of India" of the 24th instant we have noted that the Hubli Electricity Supply Co's suit against Government has been dismissed. We will therefore thank you to please let us know to whom we should address our claim for payment for Switchgear supplied to them in April 1944.

We have already written two or three letters on this subject (Ltrs. 13, 15 and 25) and fail to understand why we have not yet received any guidance from your Office. The amount due to us is not very large, but we are being continually taken to task by our Auditors and Directors regarding this outstanding.

Your answer per return will be greatly appreciated.

Yours faithfully,
Per Pro F. & C. Osler, Ltd.

Manager

660/36
13797

~~24~~ 2
218

PWD.

El. Br.

Submitted.

2. The main case (File No. 660/36 12092) on the subject is under ~~nor~~ to the E.L. Engr. to Govt. As a legal point is involved, it is likely that a reference to the R.L.A. will have to be made. The accompanying letter may therefore issue.

PRV.
27-1-45

* since rec'd. u.o. to ~~ex~~ Engr. back ~~a~~ ~~the~~ 24/4. Mys. arranged within.

To me
24/4.

C.A.S.

PUBLIC WORKS DEPARTMENT
DIARY No. 566/36
26 APR 1945
DIARY No. 13797.
26/4/45

5660/36
13797

No. 5660/36-El. 217

PWD

B.C., 30th April 1945

To
M/S. J. & C. Osler, Ltd.,
New Queen's Road,
Bombay-4.

Subject:- Hubli Ely. Supply Co. Ltd.
Payment of bills for switch-
gear supplied to the ----.

Dear Sirs,

With reference to the correspondence ending with your letter, ~~No~~ 33 dated the 25-4-45, on the subject mentioned above, I am to inform you

5660/36/13797. # 3 VD

you that the matter is under consideration and a further communication will be made to you shortly.

D.A.- Nil

PRB
27-4-45.

Yours faithfully,

ISSUED
On 1/5/45
A.C.

5660/36
13797

P. W. D.

El.Br.(I)

Submitted with ref. to this Deptt. u.o.r., dated the 24-4-45.

2. Attention is invited to para.2 of the O.N. dated the 6.4.45. A reply to G.L.No.5660/36-El., dated the 26-3-45, re: the valuation of the Hubli Electric Undertaking, has since been received from the Hubli Ely. Co., Ltd. Before accepting the offer, the Co. has raised various points in that reply, which has been refd. u.o. to the El. Engr. to Govt. and the Solicitors to Govt. for advice. The papers have not yet been recd. back.

3. Pl. see the El.Engr.to Govt.'s u.o.rs. No. LRM.11/213, dated the 12-4-45 and No.LRM.11/515, dated the 27-4-45. In the circumstances stated therein, it seems that the Hubli Electricity Co. will have to be asked to take delivery of the 34 articles remaining out of the materials mentioned in the three bills, from the Dy.Engr., Hubli Elec. Supply, Hubli, and to arrange to pay the bills to Messrs. F. & C. Osler Ltd. direct.

The papers may first be shown u.o. to the Solicitors to Govt. for advice on this point, through the El.Engr.to Govt.

PRO
17-5-45.

Law Dept. 1910
19 MAY 1945
P.W.D. (Electrical)
GJP.
17/5

24
17.V.45

Urgent.
U.O.R. to the El. Engr. to Govt. and the Solicitors to Govt. (in succession) dated the 18-5-45.

x with loose Pps. Nos. 5660/36 7884

=====

Seen and passed on, with compliments, to the Solicitors to Government, Bombay.

Electrical Engineer to Govt.

G.R.To the Solicitors to Govt.
No. LRM 11 - 813 dated 19th May 1945.

Bombay. 6th May 1946.

No. NV/ 3612.

Below U.O.R. L.R.M11/813, dated the 19th May 1945.

From the Electrical Engineer's remarks at page 29 herein, it appears that the articles mentioned in the three bills of Messrs. F. & C. Osler Ltd, are all so unsuitable and unnecessary for the Electrical Undertaking; that they could not possibly have been purchased originally for the said Undertaking. They further appear to have been ordered out for use in the Company's Flour Mills. If the above statement correctly represents the true state of affairs, Government are entitled to return all the said 34 articles to the company and require it to pay Messrs. F. & C. Osler Ltd. direct. We suggest that a copy of the forwarding letter may be sent to Messrs. F. & C. Osler Ltd, in reply to their various letters herein, or in the alternative a separate letter be addressed to them informing them that the goods had come wrongly into the custody of Government, and that not being part of the Electrical Undertaking had been returned to the Company.

The Company may also be informed that Government's original offer of the 26th March 1945 will now be reduced by the amount of the value assigned to the said 34 articles, previously included in the valuation list of stores

13.V.46

Solicitors to the Govt. of Bombay

5660/36
17927

P. W. D.

El.Br.(I)

Submitted.

2. These papers relate to the payment of three bills amounting to Rs.856 preferred by Messrs. F. & C. Osler Ltd., for the supply of certain articles to the Hubli Electricity Co. Ltd., in April 1944, i.e., before the control of the Electricity Undertaking was taken over by Govt.

3. The El.Engr.to Govt. has stated that the articles refd.to in the Bill are not reqd. for the purpose of the electrical undertaking and were apparently purchased by the Hubli Electricity Coy. for being used for their flour mills. He further states that these articles were recd. by the Coy. in Decr. 1943 and out of them 2 switches have apparently been used by the Coy. for their flour Mills and the remaining 34 articles have been included in the purchase offer of the undertaking made by Govt. to the Coy. on the 26-3-1945. In these circumstances the El. Engr.to Govt. suggests

(a) that the Hubli Electy. Coy. may be asked to take delivery of the remaining 34 articles from the Deputy Engr. in charge of the undertaking and to arrange to pay the bills of Messrs. F. & C. Osler Ltd. direct to the latter

and

(b) that the valuation offer made to the Coy. be reduced by Rs.824-8-0 which is the value of the articles in question.

4. The opinion of the Solicitors to Govt. whose advice was sought on the above will be found on pp. 39 ante. In view of that opinion the drafts put up may issue after u.o.r. to the El.Engr.to Govt.

28-5-46

P. W. D.
File No. 5660/36
Serial No. 17927

225 5660/36

No.5660/36-El.(I) P. W. D.,
B.C., 7th ~~May~~ June 1946.

To

Messrs. The Hubli Electricity Supply Co., Ltd.

Subject: Payment of bills of Messrs. F. & C. Osler. Ltd.

...

Dear Sirs,

With ref. to the enclosed three bills of M/s. F. & C. Osler, Ltd., for the goods supplied to you, I am to state that it is understood that the articles mentioned therein were recd. by you in Decr. 1943 and out of the 12 M.E.M. Switches, List No.315 K two switches have apparently been used by you for your flour mills. The remaining 34 articles were also apparently purchased for the same purpose. In any case these 34 articles are not reqd. for the electrical undertaking. You are accordingly requested to take the delivery of those articles from the Dy.Engr., Hubli Electric Supply, Hubli, and to arrange to pay the bills under reference to Messrs. F. & C. Osler, Ltd., direct.

2. In this con. I am to ~~xx~~ add that the 34 articles refd.to in the preceding para. have been included in the valuation list forwarded to you with G.L. No.5660/36-El., dated 26-3-45. The purchase offer made in that letter will now accordingly be reduced by the amount of Rs.824-8-0, which is assigned to these articles.

Yours faithfully,

D.A.- 3 Bills.

Copy forwarded for information to the El. Engr. to Govt. with ref. to the correce. ending with his No. ~~LRM-1/~~ 896 dated the ~~4-5-46~~ 3-6-46.

2. Necy. instructions should be issued to the Dy. Engr., Hubli Electric Supply, to give delivery of the articles in question to Messrs. The Hubli Electricity Co., Ltd.

Issued with 3 bills 8/6/46

SB 28-5-46

Copy also for information to Messrs. The Little. & Co., Solicitors to. Govt.

CA 18/5/46

5660/36-
17927

No.5660/36-El.(I)

P. W. D.,
B.C., 7th June 1946.

To

Messrs. F. & C. Osler, Ltd.,
New Queen's Road, Bombay 4.

Subject: Payment of bills for goods supplied to Messrs. Hubli Electricity Co.,Ltd.

Dear Sirs,

I am to refer to the correce. ending with G.L. No.5660/36-El., dated the 30-4-45, and to enclose for your information extract para.1 of G.L. No.5660/36-El. (I), dated the 7th June 1946, addressed to Messrs. The Hubli Electricity Co., Ltd. to whom further correce. in the matter may be addressed.

Yours faithfully,

D.A.- Extract.

Copy forwd information to -

Messrs. The Hubli Electy. Co., Ltd.,
the El.Engr.to Govt.

GJP.
28/5

10 MAY 1946

Below U.O.R.No.5660/36/17927 dated the 29th May 1946, from Government in the Public Works Department.

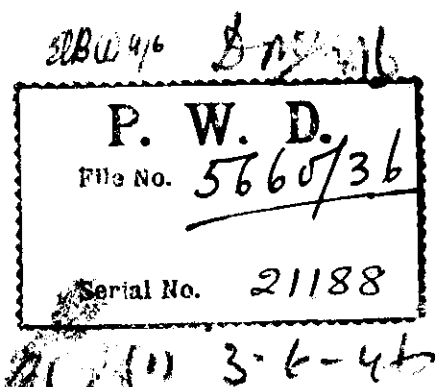
No. — 6 of 1946.

Bombay, 3rd June 1946.

Seen and returned, with compliments.

Electrical Engineer to Govt.

P.



5260/30
21198

El. Br (I). P.W.D.

Submitted with reference li
ltr o. n. d ltr 28.5.46.

The draft on pgs 41 ante
may now issue if appd.

421
4/6/46

Yes.
5/6/46.

The Association of Electrical Undertakings
Bombay Province

ALLAHABAD BANK BUILDINGS,
APOLLO STREET,
Bombay.

8th July, 1946.

Ref No. ABU/27/178/46

The Deputy Secretary to the Government
of Bombay,
Public Works Department,
Secretariat,
Bombay.

Dear Sir,

Working of Hubli Electric License by Government.

I shall be much obliged if you will kindly arrange to supply me with a copy of the Statutory Accounts in connection with the above License which Government's Agent at Hubli may have submitted to them.

If it will not be a great inconvenience, may I also request that the Association be supplied with any Report Government may have issued concerning the Hubli Undertaking's working since it has been taken over by them?

Please let me know the charges to be paid for the above, and I will send you a remittance.

Yours faithfully,

Secretary:

9 VII 46

0000/26/26726

EL. Br. (1). P. W. D.

Acknowledged under
G.L. No. 5660/36 EL(1), dated
the 11th July 1946.

10-7-46.

11/7/46

Issued
Rs 48/7.

Asstt. Engr. Circle
11/7/46

For S.A.S.

El. Br (I) P.W.D.

submitted.

2. This may first be referred w.o. to the
El. Engr to Govt for his remarks.
13-8-46

12/7/46

13/7/46

Ref. to the El Engr. to Govt. dt 13-7-1946.

El(11)9

pl issue me
13/7/46

P. W. D.
File No. 5660/36
26726

Gl. i (1) 7-11

Below U.O.R.No.5660/36/26726 dated the 15th July 1946, from Government in th Public Works Department.

No. L Rau II 1515 of 1946.

Bombay, 17th July 1946.

Returned, with compliments.

2. The Association may be informed that the Hubli Electric License has been revoked and that the undertaking is being worked by Government. No statutory accounts are maintained separately, but the expenditure, etc., is booked in the accounts of the Executive Engineer, Electrical Division, P.W.D., Bombay.

Electrical Engineer to Govt.

P.

any statory accounts are maintained separately, but the expenditure etc. is booked in the accounts of the Exc. Engr. El. Dn., P. W. D., Bombay.

DA - Nil.

Yours faithfully,

Copy forwarded, for inform., to the E. Engr. to Govt. with refee. to his no. ER M-11/1515, d. the 17-7-46.

AS3
18-7-46.

ER
18 VII 46

file in BV
23/7/46